GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Establishment – R & B Department – Final seniority list of Executive Engineers(R&B) for the years from 2002-03 to 2006-07 – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (SER) DEPARTMENT

G.O.Ms. No.22 Dated: 09.05.2025
Read the following:-

1. GO Ms No.11 T(R&B)(Ser) Dept., dated 02-06-2022.
2. GO Ms No.32 T(R&B)(Ser) Dept, dt 12-05-2023.
3. GO Ms No.33 T(R&B)(Ser) Dept, dt 12-05-2023.
4. From the E-in-C(R&B) Admn letter No.7717/VC(Ser)/2023 dated 16-05-2023 and Letter No.7718/VC(Ser)/2023, dated 16-05-2023.
5. Govt Memo No.891586/RDBSOENC(PROM)/19/2019-Ser-RB, dated 17-05-2023.
6. Circular Memo No.7717/VC(Ser)/2023, dated 17-05-2023.
7. Circular Memo No.7718/VC(Ser)/2023, dated 17-05-2023.
8. Objections received from (14) Engineers.
9. From the E-in-C(R&B) Admn letter No.7718/VC(Ser)/2023 Dated 14-06-2023.
10. Govt T(R&B) Dept Memo No. 891586/R&B.SERVICES/2019, dated 21-03-2025.
11. From the E-in-C(R&B) Admn. vide letter No.7718/VC(Ser)/2023, Dated 25-03-2025.

O R D E R:-

In the GO 1st read above, the seniority list of Executive Engineers(R&B) for the period from 1986-87 to 2001-02 was approved and confirmed. Based on the said seniority list of Executive Engineers(R&B) dated 02-06-2022, the long pending year-wise panels of Executive Engineers(R&B) fit for promotion as Superintending Engineers(R&B) for the panel years from 2002-03 to 2006-07 were approved vide GO 2nd read above. Resultantly, the panels of Deputy Executive Engineers(R&B) fit for promotion as Executive Engineers(R&B) for the panels years from 2002-03 to 2006-07 were also approved vide GO 3rd read above.

2. Subsequently, the Engineer-in-Chief(R&B) Admn., vide his letters 4th read above, has submitted a proposed seniority list of Executive Engineers(R&B) for the period from 2002-03 to 2006-07 duly following the rules governing the issue of "seniority" at that relevant point of time and also undertaking the mandatory exercise stipulated by the Hon'ble High Court in its Judgment dated 11-12-2018 in WP No.4415 of 2016 & Batch. After examination of the same, in Memo 5th read above, the Engineer-in-Chief(R&B) Admn., was directed to place the provisional seniority list of Executive Engineers(R&B) for the said period in official websites of both the States i.e., Andhra Pradesh and Telangana and call for objections from the affected Engineers and send them along with the specific remarks of the Engineer-in-chief(R&B) Admn on such objections for taking further action.

3. Accordingly, the provisional seniority list of Executive Engineers(R&B) for the period from 2002-03 to 2006-07 was placed in the official websites of (R&B) Department in two States i.e., Andhra Pradesh and Telangana vide Circular Memo 7th read above and objections were called for from the concerned Engineers.

Subsequently, the Engineer-in-Chief(R&B) Admn., vide letter 9th read above, has informed that in response to the provisional seniority list of Executive Engineers(R&B) dated 17-05-2023, (14) objections were received and he has submitted specific remarks on each of the objections raised by the Engineers for further examination at Government level with a further request to issue necessary orders for finalization of the seniority list of Executive Engineers(R&B) for the period from 2002-03 to 2006-07.

4. The objections raised by the Engineers as well as the specific remarks of the Engineer-in-Chief(R&B) Admn., are thoroughly examined and certain information was sought from the Engineer-in-Chief(R&B) Admn., vide Memo 10th read above. Subsequently, the Engineer-in-Chief(R&B) Admn., vide letter 11th read above has submitted his report which enunciated the rule position as well as the legal position governing the present issue:

a) As per the following Judgments of either Hon'ble Supreme Court or Hon'ble High Court of AP, the Article-16(4A) of Constitution of India is an enabling provision and the concerned State has to make rules / issue orders either for providing rule of reservation in promotions in favour of SCs/STs or for extending consequential seniority to the accelerated reserved category promotees by applying mandatory requirements as contemplated under Article-16(4A):

    1) Hon'le Apex Court Judgment dated 19-10-2006 in M.Nagaraj & Ors Vs Union of India & Ors
    2) Hon'le Apex Court Judgment dated 26-09-2018 in Jarnail Singh & Ors Vs Lachhmi Narain Gupta & Ors
    3) Hon'ble High Court of AP Judgment dated 23-02-2012 in WP No.2614 of 2011 & Batch
    4) Hon'ble High Court of AP Judgment dated 11-12-2018 in WP No.4415 of 2016 & Batch.

b) In erstwhile combined State of AP, rule of reservation in promotions in favour of SCs/STs was incepted vide GO Ms No.5 SW(SW.ROR.I) Dept, dated 14-02-2003 and following Statutory Rules / executive orders were issued in regard to implementation of reservation in promotions in favour of SCs/STs up to the year 2006-07:

    1) GO Ms No.5 SW(SW.ROR.I) Dept, dated 14-02-2003.
    2) GO Ms No.21 SW(ROR.I) Dept, dated 18-03-2003.
    3) GO Ms No.123 GA(Ser-D) Dept, dated 19-04-2003.
    4) GO Ms No.2 SW(SW.ROR.I) Dept, dated 09-01-2004.
    5) GO Ms No.76 SW(SW.ROR.I) Dept, dated 19-10-2004.
    6) GO Ms No.16 SW(SW.ROR.I) Dept, dated 17-02-2005.
    7) GO Ms No.18 SW(SW.ROR.I) Dept, dated 17-02-2005.
    8) GO Ms No.4 SW(ROR.I) Dept, dated 24-01-2007.

c) All the above rules / executive orders have prescribed the methodologies to be followed for filling up of the roster points earmarked for SCs/STs while preparing a panel of employees fit for promotion to the next higher post. But they are completely silent with regard to extending consequential seniority to the accelerated reserved category promotees. In fact, an executive GO was issued in GO Ms No.26 SW(ROR.I) Dept, dated 20-02-2009 enabling conferment of consequential seniority to accelerated reserved category promotees. As such, there is no rule/order which confers the

consequential seniority to the accelerated reserved category promotees for the period from 14-02-2003 to 20-02-2009.

d) Therefore, in absence of any Rule / order framed by the State by applying mandatory requirements as contemplated under Article-16(4A) (as interpreted by Hon'ble Supreme Court in M.Nagaraj & Ors Vs Union of India & Ors, Jarnail Singh & Ors Vs Lachhmi Narain Gupta & Ors and S.Panneer Selvam & Ors Vs Government of Tamil Nadu & Ors) for the period from 2002-03 to 2006-07, the accelerated reserved category promotees cannot count their seniority in the promoted category from the date of their notional promotion.

5. Accordingly, after interactively analyzing all the executive orders issued by the Social Welfare Department and the Statutory Rules – 5, 6, 22 and 33 of AP State and Subordinate Service Rules, 1996 Rules for the relevant period from 2002-03 to 2006-07 and keeping in view of the Judgments of Hon'ble High Court of AP (i) dated 23-02-2012 in WP No.2614/2011 & Batch (ii) dated 29-11-2018 in WP No.9456 of 2018 (iii) dated 11-12-2018 in WP No.4415 of 2016 & Batch and also the erudite opinion already rendered by the Advocate General, AP dated 26-11-2019 in this regard, the objections submitted by the (14) Engineers on the provisional seniority list of Executive Engineers(R&B) dated 17-05-2023 are examined thoroughly and found to be contrary to either the rule position or the settled legal position governing this issue and hence, are hereby rejected. A statement showing the action taken on the objections put forward by the (14) Engineers is herewith enclosed.

6. Government after careful examination of the matter, hereby approve and confirm the seniority list of Executive Engineers(R&B) for the period from 2002-03 to 2006-07 as furnished by the Engineer-in-Chief(R&B) Admn., duly following the rules in vogue and appended as Annexure-I to this order.

7. This order is subject to outcome of all pending cases on the subject in Hon'ble High Court / Hon'ble Supreme Court of India, if any.

8. The Engineer-in-Chief(R&B) Admn., A.P., Vijayawada shall take further necessary action, in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief(R&B), Administration, A.P., Vijayawada.
The individual, through the Engineer-in-Chief(R&B) Administration, A.P., Vijayawada.
Copy to :
The T,R&B Department, Telangana Secretariat, Hyderabad.
The Engineer-in-Chief(R&B) Administration, Telangana through the Engineer-in-Chief(R&B) Administration, A.P., Vijayawada.
SF/SC(891586)

//FORWARDED :: BY ORDER//

SECTION OFFICER

Annexure- I to G.O. Ms. No. 22, T,R&B(Ser) Dept., dated:09.05.2025

Final Seniority list of Executive Engineers (R&B) for the period from 2002-03 to 2006-07:-

Sno	Name of the Executive Engineer	Caste	DOB	Dateof notional commencement of probation arrived	Date from which the seniority is reckoned
1	K.Balakrishna Murthy		04-07-1946	01-10-2002	01-10-2002
2	J.Hanumantha Rao		20-12-1946	01-11-2002	01-11-2002
3	V.Subhash Rao		07-04-1946	01-11-2002	01-11-2002
4	Anandam (SC)	SC	01-10-1949	01-12-2002	01-12-2002
5	N.Sundera Siva rao		12-11-1947	01-12-2002	01-12-2002
6	P.Devidass		16-02-1957	01-02-2003	01-02-2003
7	V.Surya Rao		15-08-1950	01-02-2003	01-02-2003
8	G.Rameswar Reddy		10-10-1950	01-03-2003	01-03-2003
9	M.Raghupathi Reddy		04-09-1949	01-03-2003	01-03-2003
10	C.Lokender Reddy		15-10-1947	01-04-2003	01-04-2003
11	K.Viswanatham		01-06-1945	01-04-2003	01-04-2003
12	A.V.T.V.G.Prasada Rao		01.07.1946	01-06-2003	01-06-2003
13	P.Prabhu Dass (SC)	SC	19-09-1947	01-12-2002	01-06-2003
14	P.Pulla Reddy		26-11-1951	01-06-2003	01-06-2003
15	K.Jagan Mohan Guptha		18-12-1953	01-06-2003	01-06-2003
16	A.Rama Krishna		27-07-1946	01-06-2003	01-06-2003
17	K.V.V.Satyanarayana		01-07-1953	01-06-2003	01-06-2003
18	B.Prem Sagar		20-01-1953	01-07-2003	01-07-2003
19	K.Satyanarayana Prasad		30-06-1951	01-07-2003	01-07-2003
20	G.Ashok		13-08-1946	22-07-2003	22-07-2003
21	E.Surender Rao		01-07-1952	01-08-2003	01-08-2003
22	Chandra Bhushana Prasad		12-03-1954	01-08-2003	01-08-2003
23	Y.Chalapathi Rao		08-06-1952	31-08-2003	31-08-2003
24	M.Kamalakar		01-06-1953	31-08-2003	31-08-2003
25	B.Rameswar Reddy		06-07-1953	01-11-2003	01-11-2003
26	M.Vijay Kumar		29-07-1957	01-11-2003	01-11-2003
Sno	**Name of the Executive Engineer**	**Caste**	**DOB**	**Dateof notional commencement of probation arrived**	**Date from which the seniority is reckoned**
27	P.Upendram		07-10-1953	01-02-2004	01-02-2004
28	Ch.Krishna Murthy		08-08-1953	01-03-2004	01-03-2004
29	M.Mallaiah		11-05-1950	01-03-2004	01-03-2004
30	K.Bharath Bhushan		15-08-1952	01-05-2004	01-05-2004

31	K.Ramesh Chandra Reddy		01-01-1950	01-06-2004	01-06-2004
32	R.Prakash		15-05-1954	01-07-2004	01-07-2004
33	S.Ramesh Babu		01-06-1954	01-07-2004	01-07-2004
34	R.Laxminarayana		08-12-1954	01-07-2004	01-07-2004
35	S.Samuel Devendranath		30-11-1955	01-07-2004	01-07-2004
36	R.Buchi Rama Rao		21-10-1953	01-07-2004	01-07-2004
37	M.Mallikarjun		10-05-1949	01-07-2004	01-07-2004
38	K.Pottanna		08-02-1951	01-07-2004	01-07-2004
39	A.Rajeswara Rao		27-09-1954	01-07-2004	01-07-2004
40	V.Vijay Kumar		18-06-1952	01-08-2004	01-08-2004
41	M.Venkateswara Rao		28-08-1953	01-08-2004	01-08-2004
42	P. Subba Rao (SC)	SC	02-08-1947	01-06-2003	01-08-2004
43	S.Muthyapu Reddy		04-07-1950	01-08-2004	01-08-2004
44	Y.Ramasubrahmanyam		01-08-1957	01-08-2004	01-08-2004
45	P. Chandra Sekhar		16-06-1956	31-08-2004	31-08-2004
46	Thirumalaiah		06-03-1951	31-08-2004	31-08-2004
47	B.Nageswara Rao (SC)	SC	06-06-1954	01-08-2003	31-08-2004
48	Sayanna (SC)	SC	12-04-1954	01-07-2004	31-08-2004
49	M.Siddirami Reddy		23-07-1955	31-08-2004	31-08-2004
50	K. Nayeemullah		06-06-1963	31-08-2004	31-08-2004
51	M.Harshavardhana Reddy		08-01-1948	01-10-2004	01-10-2004
52	K. Radhakrishna		10-10-1959	01-10-2004	01-10-2004
53	P. Satish		25/05/1963	26-10-2004	26-10-2004
54	Y. Rama Rao		12-06-1965	01-11-2004	01-11-2004
55	K. Venugopala Reddy		01-08-1962	01-12-2004	01-12-2004
56	V. Ramachandra		18/03/1965	01-01-2005	01-01-2005

Sno	**Name of the Executive Engineer**	**Caste**	**DOB**	**Dateof notional commencement of probation arrived**	**Date from which the seniority is reckoned**
57	P. Madhusudana Reddy		31/01/1964	01-01-2005	01-01-2005
58	T. Satyanaryana		19/02/1963	01-03-2005	01-03-2005
59	G. Venkateswara Rao		25-06-1963	01-03-2005	01-03-2005
60	M.V.R. Vivekananda Reddy		22/04/1964	01-04-2005	01-04-2005
61	B. Srinivasa Rao		28/03/1966	01-04-2005	01-04-2005
62	P.C. Ramesh Kumar		15-01-1962	01-04-2005	01-04-2005
63	L. Srinivas Reddy		01-06-1964	01-05-2005	01-05-2005
64	K. Seshukumar		25-07-1965	01-05-2005	01-05-2005
65	C.S.N. Murthy		10-01-1961	01-06-2005	01-06-2005
66	G. Srinivasulu		01-07-1964	01-06-2005	01-06-2005
67	S.V.N.S. Saikumar		08-12-1961	01-06-2005	01-06-2005

68	K. Raji Reddy		05-02-1960	01-07-2005	01-07-2005
69	V. Koteswara Rao		10-06-1961	01-07-2005	01-07-2005
70	G. Kanthu		14-08-1964	01-07-2005	01-07-2005
71	K.V. Raghavendra Rao		30-12-1961	01-07-2005	01-07-2005
72	P. Harischandra	SC	07-01-1964	01-07-2004	01-07-2005
73	V. Sharada		20/06/1963	01-08-2005	01-08-2005
74	M. Lingaiah	SC	19/08/1961	01-12-2004	01-08-2005
75	I. Shyam Babu	SC	30-06-1966	01-01-2005	01-08-2005
76	M. Siva Kumar	SC	08-10-1962	20-04-2005	01-08-2005
77	G. John Moshae		27-07-1963	01-08-2005	01-08-2005
78	P. Rajendra Kumar		02-06-1963	01-08-2005	01-08-2005
79	V.K. Vijaya Sree		15/08/1964	01-08-2005	01-08-2005
80	P.Anuradha		10-04-1963	01-08-2005	01-08-2005
81	S. Thirumala		21/06/1964	31-08-2005	31-08-2005
82	P. Laxmi		02-11-1955	31-08-2005	31-08-2005
83	Ch. Vasantha		20/12/1962	01-10-2005	01-10-2005
84	M. V. Nirmala		13-07-1964	01-10-2005	01-10-2005
85	D. Narasimha (ST)	ST	06-01-1959	01-08-2003	01-10-2005
86	N. Madhavi Sukanya (SC)	SC	20-12-1966	01-11-2002	01-10-2005
87	T. Jaya Barathi		14-03-1966	01-11-2005	01-11-2005
Sno	**Name of the Executive Engineer**	**Caste**	**DOB**	**Dateof notional commencement of probation arrived**	**Date from which the seniority is reckoned**
88	K. Kanthimathi (SC)	SC	07-01-1965	01-07-2003	01-11-2005
89	D. Asha Rani (ST)	ST	08-04-1962	01-01-2003	01-11-2005
90	A.Muralidhar Rao		19-07-1953	14-11-2005	14-11-2005
91	T.Hanumantha Rao		10-10-1948	14-11-2005	14-11-2005
92	M.Vinod Kumar		15-07-1954	14-11-2005	14-11-2005
93	K.N.Prakasham (SC)	SC	15-08-1952	01-11-2005	14-11-2005
94	K.Ranga Rao		16-04-1954	14-11-2005	14-11-2005
95	G.Sreeramulu		04-02-1955	22-12-2005	22-12-2005
96	Mohd Jawad Ansari		01-01-1953	30-12-2005	30-12-2005
97	Mohd Abdul Hameed		13-10-1950	01-01-2006	01-01-2006
98	Syed Masood		01-10-1955	01-01-2006	01-01-2006
99	Mohd Zaheeruddin Ahmed		10-10-1951	01-02-2006	01-02-2006
100	C.Venkateswara Prasad		13-08-1957	01-04-2006	01-04-2006
101	D.Sampath Rao		14-01-1952	01-05-2006	01-05-2006
102	P. Sudhakar (PG)		08-08-1956	01-06-2006	01-06-2006
103	T.Jaganmohan Reddy		16-03-1954	01-07-2006	01-07-2006
104	A.Rama Krishna Rao		15-07-1953	01-07-2006	01-07-2006
105	W.M. Saikumar (SC)	SC	19/06/1949	01-12-2005	01-07-2006
106	A.P. Devadass (PG)		01-07-1958	02-07-2006	02-07-2006

107	Ch.Narayana Rao (SC)	SC	01-06-1954	01-02-2006	02-07-2006
108	Manik Prabhu		07-10-1953	01-08-2006	01-08-2006
109	B. Mallikarjuna Rao		02-08-1955	29-08-2006	29-08-2006
110	V.Devendra Rao		06-05-1951	31-08-2006	31-08-2006
111	P.Ramulu		07-08-1952	01-10-2006	01-10-2006
112	S.Ravi Krishna Swamy		11-10-1958	01-10-2006	01-10-2006
113	J.Chandrasekhara Rao		04-03-1957	01-11-2006	01-11-2006
114	T.Madhusudhana		05-06-1957	01-01-2007	01-01-2007
115	J.Satyanarayana Rao		29-04-1954	01-02-2007	01-02-2007
116	P.Ashok Kumar		14-11-1957	01-02-2007	01-02-2007
117	Jayanthi Nanaji		15-06-1950	01-06-2007	01-06-2007
118	N.Emanuel		23-09-1959	01-06-2007	01-06-2007
Sno	**Name of the Executive Engineer**	**Caste**	**DOB**	**Dateof notional commencement of probation arrived**	**Date from which the seniority is reckoned**
119	S.Vijay Kumar (SC)	SC	24-07-1950	01-11-2006	01-06-2007
120	M.A.Khader Zilani		21-04-1953	01-06-2007	01-06-2007
121	B.Karunakar		23-04-1958	01-07-2007	01-07-2007
122	J.Mohan Naik (ST)	ST	10-03-1968	01-01-2004	01-07-2007
123	G.Rajender		04-12-1952	01-08-2007	01-08-2007
124	P. Chandradhar (SC)	SC	28-01-1956	01-06-2007	01-08-2007
125	T. Abbanna (SC)	SC	03-02-1955	31-08-2007	01-08-2007
126	M. Sambasiva Rao (ST)	ST	02-03-1948	01-10-2004	01-08-2007 His seniority is liable to be reviewed as per Judgment dated 11-12-2018 of AP High Court in WP No.4415 of 2016 & Batch when his general seniors promoted to EE category

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

Annexure-II to G.O. Ms. No. 22, T,R&B(Ser) Dept., dated:09.05.2025

Objections on provisional seniority list of Executive Engineers(R&B) communicated vide Circular Memo.No. 7718 /VC (Ser) /2023, dated 17-05-2023

Sno	Name of Engineer Sri / Smt & Date	Objections / remarks
1	**N.Madhavi Sukanya, I/c CE dated 22-05-2023**	**1. Her notional date of commencement of probation in the cadre of EE was arrived as 01-11-2002. But, seniority was reckoned w.e.f 01-10-2005 which is not as per rules of reservation approved by the GAD as well as T(R&B) Dept.**
		Reply: The rule position, as well as the legal position which governs the issue of extending consequential seniority to the accelerated promotees was, in detail, discussed in the Circular Memo dated 17-05-2023. ROR in promotions in favour of SCs / STs was introduced in State of AP in the year 2003, i.e., after the Constitution (Eighty Fifth Amendment) Act, 2001 and orders to that effect were issued vide GO Ms No.5 dated 14-02-2003. In preamble of the said GO, at Para-1, the amended Article-16(4A) was explicitly extracted which contains the said phrase "with consequential seniority".
		Further, at Para-2 of the said GO, the objective of the said amendment was specifically alluded as extracted below:"2. The said Amendment to the Constitution has been made with an objective of making a provision for reservation in matter of promotion **with consequential seniority** to any class or classes of posts in the services under the State in favour of Scheduled Castes and Scheduled Tribes which in the opinion of the State, are not adequately represented in the service under the State".Inspite of so, the then Government of AP while passing orders, have issued instructions for providing reservations in promotions in favour of SC / ST employees, but no such instructions were issued for conferring consequential seniority to such accelerated promotees.From the above, it is evident that it never been the opinion of the then Government to extend consequential seniority to the accelerated promotees and they have decided to grant promotions only.
		However, in the year 2009, the Government of AP have issued executive order vide GO Ms No.26 dated 20-02-2009 in enabling consequential seniority to the reserved category promotees. As such, from 14-02-2003 to 20-02-2009, there is no such orders which extends consequential seniority to the reserved category promotees. As such, in absence of a provision for conferring consequential seniority to the accelerated promotees in the relevant service rules, they are not automatically entitled for consequential seniority with effect from the notional date of commencement of probation so arrived in the year-wise panels approved by the Government vide GO Ms No.33 dated 12-05-2023. Further in view of the binding addicts of Hon'ble Supreme Court in the following cases, there must be a provision for extending consequential seniority to the reserved category promotees and otherwise, they are not entitled for consequential seniority automatically:

		1) Suraj Bhan Meena & Anr vs State Of Rajasthan & Ors on 07-12-2010 2) U.P.Power Corp.Ltd vs Rajesh Kumar & Ors on 27-04-2012 3) Panneer Selvam & Ors Vs State of Tamilnadu on 27-08-2015 4) B.K.Pavitra & Ors vs Union Of India & Ors on 09-02-2017 5) Jarnail Singh vs Lachhmi Narain Gupta on 26-09-2018 6) B.K. Pavitra vs Union of India on 10-05-2019 7) Pravakar Mallick vs State of Orissa on 17-04-2020
		Further non preparation of panels in EE and higher cadres since 2002-03 is an indigenous situation prevailed in (R&B) Department alone and hence, the rules those were in force from 2002-03 onwards from time to time are to be applied for year-wise panels of EEs and as such, the claim of the applicant that the consequential seniority w.e.f 01-11-2002 was extended is not correct, as there was no provision in GO MS No.5 for extending consequential seniority for the period from 2002-03 to 2006-07.
		Further, the learned Advocate General, in his opinion dated 26-11-2019 has also, in categorical terms have held as follows: "It is to be noted that the enablement of roster-point promotions, introduced in GO.Ms. No.5 dt 14.2.2003, is statutorily recognized by way of amendment to Rule-22 of the AP State and Subordinate Rules, vide GO Ms No.123 dt 19.4.2003. However, the issue of consequential seniority to be conferred on the promotes, consequent to such appointment was not enabled in the year 2003. An Executive GO was issued in GO Ms No.26 dt 20.02.2009 enabling conferment of consequential seniority to roster point promotes, in pursuance of its introduction vide GO Ms No.5 dt 14.2.2003".
		Further, a Division Bench of Hon'ble High Court of Cuttack in its Judgment dated 24-12-2010 in WP(C) No.6781 of 2008 and Batch, have held as follows:"It is apparent from the observation of the Apex Court in the above quoted paragraph (italicised) that the 'catch up rule' still governs the field being law of the land unless and until the appropriate Government enacts law providing for reservation keeping in mind the parameters in Article 16(4) and (4-A). Therefore, though M. Nagaraj (supra) upheld the validity of the constitutional amendment, it has not overruled or given a go-bye to the 'catch up rule'. The Constitution 85th Amendment does not by itself confer the additional benefit of consequential seniority on the S.C. and S.T. candidates in the promotional post for their accelerated promotion against reserved posts/roster points since clause (4-A) of Article 16 is merely enabling in nature".When the above Judgment was challenged before Hon'ble Supreme Court, Hon'ble Apex Court in its Judgment dated 17-04-2020 in CA No.3240 of 2011 has held as follows:

		11. It is clear from the material placed on record that the seniority for general category officers was restored in the Gradation List of OAS-I(JB) which was prepared on 16.05.2001, by extending the benefit of Catch Up Rule. 12…..it is to be noticed that after Constitution (Eighty-Fifth) Amendment Act, 2001, amending Article 16(4A) of the Constitution which enabled the State to extend the benefit of promotion with consequential seniority by examining the adequacy of representation to scheduled castes and scheduled tribes in the State services, the State of Orissa has not made any provision, either by way of legislation or by an executive order, to extend such benefit in the Class-I Services. The advocate for State 8 1992 Supp. (3) SCC 217 9 2019 SCC On Line SC 694 C.A.Nos.3240 of 2011 etc. specifically admitted that the Govt. has not issued any executive order or has passed any legislation. The Government Resolution dated 20.03.2002 is issued merely based on the instructions issued by the Government of India, without examining the adequacy of representation in posts. As is evident from the order of the High Court, the State in its counter affidavit has taken the stand that there is no necessity for bringing out any law to extend the benefit of seniority for those who are promoted in reserved vacancies. Government Resolution dated 20.03.2002 can neither be termed as law made in exercise of enabling power of the State under Article 16(4A), nor does it satisfy the parameters laid down in the various decisions of this Court. The Resolution has no legal basis.
		The Seniority/Gradation List dated 16.05.2001 of OAS-I (JB) was prepared correctly by following the ratio laid down by this Court and in absence of any law or decision by way of executive order based on acceptable material for conferring additional benefit of consequential seniority, the Gradation List dated 03.03.2008 was prepared by altering the positions which were maintained in the List dated 16.05.2001". It is to further state that Hon'ble High Court of Telangana in its Circular ROC No.1311/2019-C1, dated 03-10-2020, have enunciated that "while fixing the inter-se-seniority of the Judicial employees pertaining to Telangana Judicial Ministerial and Subordinate Service, in the absence of any legislation made by the State Government permitting conferment of consequential seniority to persons belonging to SC/ST community, all the Principal District Judges/Unit Heads in the State were informed to implement the 'catch-up' rule, in view of the decision of the Supreme Court dated 17-04-2020".
		It is further informed that the earlier E-in-C(AP) while sending long pending year-wise panels up to 2018-19, has also, in accordance with the above opinion of AG, AP, not extended consequential seniority to the accelerated promotees from 2002-03 to 2008-09 and the same was challenged by Sri L.Sreenivasa Reddy I/c CE in WP No.10128/2020. Even though the applicant is also impleaded in this WP, she has not objected to such methodology. **In view of the above, in absence of any provision made either through executive order or through legislation / law by the State of AP during the period from 14-02-2003 to 20-02-2009, the accelerated promotees are not entitled for consequential seniority w.e.f the notional date of commencement of probation, so arrived in the GO Ms No.33 dated 12-05-2023. Hence, this objection is ignored.**
		2. Telangana model of granting reservations in promotions to the SC / ST officers in Telangana Secretariat was adopted in her case and consequential seniority in promotions resulting from 85th Amendment to the Constitution of India was implemented from 20-02-2009 i.e., the date on which GO Ms No.26 was issued.

		Reply: The clarification given at Point No.1 suffice for this objection. Hence, this objection is ignored.
		3. Adopting Telangana model and denying consequential seniority from the year 2003, the year in which GO Ms No.5 dated 14-02-2003 was issued, is not only illegal but also amounts to insubordination also dereliction of duties, suppression of facts entrusted to them for the following reasons:
		3.1) The R&B Dept moved a note file No.TRB01-RDBSOENC(PROM)/27/2019-Ser-RB (Computer No.919376) on 28-06-2019 with regard to extending consequential seniority to the accelerated promotees and its applicability from which year onwards, since GO Ms No.5 was issued in the year 2003 and whereas GO Ms No.26 was issued in the year 2009. GAD clarified at Para-18 under Note No.10 as under:
		"18. In view of the above, the TR&B Dept is informed that, the orders issued in GO Ms No.26 SW(ROR.I) Dept dated 20-02-2009 that reservations shall be implemented with consequential seniority in favour of SC / STs in promotions is satisfying with the Rule 33 of AP State and Subordinate Service Rules, 1996 and the seniority of such person shall be determined from the date of first appointment to such service, category or Grade as per Rule 33 of AP State and Subordinate Service Rules, 1996".
		3.2) The above decision of GAD was approved by the Principal Secretary, T(R&B) Dept at Note No.48 on 24-09-2019 with remarks as "in view of the clarification given by the GAD in Note#10, we may go ahead as per clarification given by GAD"
		3.3) As per the said decision of GAD, her seniority in the post of EE must commence from 01-11-2002, as she was given notional promotion as EE w.e.f 01-10-2002 vide GO Ms No.33 dated 12-05-2023.
		Reply: It is true that initially the E-in-C(R&B) Admn in his letter No.7404/Ser-I(3)/2019, dated 20-06-2019, has sought for clarification from the Government with regard to applicability of consequential seniority to the accelerated promotees, as GO Ms No.5 was issued on 14-02-2003 and GO Ms No.26 was issued on 20-02-2009.In turn, the file was referred to the GA Department and upon receipt of opinion of GA Dept, the Govt vide Memo No.RDBSOENC(PROM)/27/Ser.R&B/919376, dated 17-07-2019, while alluding the IAS officers committee decision dated 31-01-2013 constituted under chairmanship of Sri Ashutosh Misra, IAS, have clarified that "the orders issued in GO Ms No.26 SW(ROR.I) Dept dated 20-02-2009 that reservations shall be implemented with consequential seniority in favour of SC / STs in promotions is satisfying with the Rule 33 of AP State and Subordinate Service Rules, 1996 and the seniority of such person shall be determined from the date of first appointment to such service, category or Grade as per Rule 33 of AP State and Subordinate Service Rules, 1996".

		However, based on receipt of certain representations on the said GAD clarification, the Govt have referred the matter to LAW Department, Secretariat, as the issue involved with series of Judgments of either Hon'ble High Court or Supreme Court. Subsequently, the matter was finally carried up to the learned Advocate General, AP for his opinion.Learned AG, in his erudite opinion No.78/2019, dated 26-11-2019 (Letter No.580/2019) has, in categorical terms have deprecated the opinion of the IAS officers committee opinion dated 31-01-2013 with the following terminology:"It transpires from your letter, that a committee was constituted by the Government to advise on the need for the amendment to the General Rules to reflect the terms of GO Ms No.26 dated 20-02-2009 in regard to the conferment of consequential seniority. The committee is reported to have opined, in the year 2013, that the existing Rule 33(a) and 33(b) reflects the said intent and therefore there is no need to amend the General Rules. At this Juncture, it is necessary to notice the judgment of Hon'ble Supreme Court in the case of S.Paneer Selvam Vs State of Tamilnadu reported in 2015 (10) SCC 292, Judgment rendered on 27-08-2015, where a similar contention (view) about the similarly worded Rule 35(aa) of the Tamilnadu State and Subordinate Service Rules, was held as not comprehending the fact situation arising from the roster-point promotions for being granted consequential seniority (Paras 32 and 33)".
		The opinion of the learned Advocate General was communicated by the Govt, T(R&B) Dept vide Memo No.RDBSOENC(PROM)/27/2019-SER-RB, dated 28-11-2019 and requested the E-in-C(A) to prepare and furnish year-wise panels in all cadres immediately. **Hence, the question of insubordination / disregarding the orders of Govt on part of the E-in-C(A) is merely misapprehension. Hence, this objection is ignored.**
		4. The above decision of GAD along with direction of Principal Secretary was placed before Hon'ble High Court by filing IA No.1/2022 in CC No.189/2019 and the same was allowed by Hon'ble High Court and impleaded the then Secretary as a party to CC No.189 of 2019. At this stage, any deviation from court record would amount to contempt of court.
		<u>Reply</u>: CC No.189/2019 in WP No.43051/2016 was filed by Smt N.Madhavi Sukanya in Hon'ble High Court. At Para-9 and PAra-11, she has submitted to Court as follows:9…..The Hon'ble High Court noticed that giving consequential seniority is not automatic and the Government has to implement the policy of reservation in promotion with consequential seniority for SC / STs and to undertake the exercise as mandated by the Hon'ble Supreme Court in M.Nagaraj and Jarnail Singh case. The contention of the un-reserved candidates saying that necessary steps have to be taken by the State Government for giving consequential seniority to SC / ST candidates only after proper enquiry in accordance with the Judgment of the Hon'ble Supreme Court was partially accepted.11…. as reiterated by Hon'ble High Court which says that while promoting a reserved candidate what has to be seen is adequacy in the higher cadre or not. As there is no SC candidate in the category of Chief Engineer, the petitioner is entitled for her consideration for her consequential seniority as SE w.e.f 01-09-2008….

		Finally, she has requested the Court to punish the Respondents for their willful, deliberate and intentional contempt and disobedience of the orders of the Hon'ble High Court.In this connection, it is to inform that earlier, the then E-in-C(A) has finalized integrated seniority list of DEEs dated 04-08-2011. Based on that year-wise panels of EEs, SEs were approved wherein the Applicant was notionally promoted as EE and SE in the year 2003 and 2008 respectively. However, subsequently, the above DEE seniority list dated 04-08-2011 was set aside by Hon'ble APAT on 11-12-2013 in OA No.1614/2012 & Batch with a direction to consider the DEEs seniority list issued in GO Ms No.314 dated 29-11-1994 as final with modifications, if any, in accordance with its judgment in M.SHYAMSUNDER and follow the said seniority list for the purpose of promotion to higher cadres.As such, the promotions made earlier based on the set aside seniority list of DEEs dated 04-08-2011 are deemed to be not in existence and as per above categorical direction of the Hon'ble APAT, all the promotions are to be invariably reviewed with the revised DEEs seniority. Subsequently, a revised seniority list of DEEs from 01-01-1988 to 2010-11 was finalized by the E-in-C(A) and confirmed by the Govt vide GO Ms No.20 T(R&B)(Ser) Dept, dated 20-02-2019. As such, the year-wise panels of EEs and above cadres are to be prepared in a phase-wise manner. Until then, claiming the promotion or seniority in the set aside panels of either EE or SE is indocile.
		Further, there are two directions in the Judgment dated 11-12-2018 of Hon'ble High Court in WP No.4415 of 2016 & Batch. **(1)** to review the promotions made by giving effect to such reservation policy after institution of O.A.No.6563 of 2011 in strict accordance with the directives of the Supreme Court in M.NAGARAJ1 and JARNAIL SINGH2 within six months from the date of receipt of that Judgment.**(2)** The Government Orders and more particularly, G.O.Ms.No.5 dated 14.02.2003 and G.O.Ms.No.26 dated 20.02.2009 are to be read down to merely enable the State to implement the policy of reservation in promotions if the necessary conditions are made out and in pursuance thereof, every department of the State which seeks to implement the policy of reservation in promotions with consequential seniority in favour of Scheduled Castes and Scheduled Tribes in any particular cadre would have to undertake the full exercise as per the mandate of the Supreme Court in M.NAGARAJ1 and JARNAIL SINGH2 before doing so every time.

		In so far as the applicability of first direction to R&B Department is concerned, as per the above developments, no panel in the cadre of EE and above exists and as such, revision of panels w.e.f 01-09-2011 does not arise.However, in regard to the second direction cited supra, while preparing year-wise panels of EEs and above cadres from 2002-03 onwards, rule of reservation in promotions in favour of SC / ST is to be implemented as per the orders issued from time to time in this regard and the mandatory exercise stipulated by Hon'ble Supreme court in M.NAGARAJ read with JARNAIL SINGH is to be undertaken while preparing year-wise panels from 2002-03 onwards in all the cadres to whom the ROR in promotions is applicable.But, as per the direction of Hon'ble High Court in its Judgment dated 11-12-2018, the mandatory exercise is to be invariably undertaken even while effectuating the provisions issued vide GO Ms No.26 dated 20-02-2009.In view of the above, since the first directions is not applicable in respect of (R&B) Department and second directions is already undertaken and accordingly objections were called for on such exercise and the applicant is at her liberty to challenge the said exercise in the court of law, as was done by Sri L.Sreenivasa Reddy, I/c CE in WP No.10128/2020. But claiming that the above act is contemptous in CC No.189/2019 is merely misapprehension, since no order or direction supplemental to what has been already adjudicated in the Judgment dated 11-12-2018 will be entertained by Hon'ble Courts while exercising jurisdiction in the domain of the contempt law, as such an exercise is more appropriate in other jurisdictions vested in the Court**.**
		5. Respondent No.4 in CC No.189 of 2019 i.e., Sri M.T.Krishna Babu the then Principal Secretary to T(R&B) has submitted a memo before the Hon'ble High Court of AP stating that "in compliance of the common orders dated 11-12-2018 passed in WP No.4415/2018 and batch of this Hon'ble High Court, the 4th Respondent herein have passed GO Rt No.338 T(R&B)(Ser) Dept, dated 23-11-2022 placing the petitioner as I/c Chief Engineer, R&B Dept.
		Reply: The applicant has not enclosed any of such documents in support of her above claim. However, as a matter of fact, no such orders were passed by Hon'ble High Court on 18-10-2022 in CC No.189/2019 in WP No.43051 of 2016 whereby the Department have placed the applicant as I/c Chief Engineer.
		6. The State of AP implemnted reservations in promotions with consequential seniority to the employees of AP State Secretariat as per the clarification given by the GAD.
		Reply: In view of the clarification already given at Point No.1 and 3, this objection needs to be ignored.
2	**P.Murali Mohan, I/c SE dated 29-05-2023**	**1. The Sub Committee formed on the request of the Principal Secretary, T(R&B) Telangana state is just a committee to assist the Engineer-in-Chief(R&B) Admn in preparation of panels, seniority lists etc., The Committee do not have any administrtive authority or legal validity. Hence, the recommendations of the sub committee are not binding on the Engineer-in-Chief(R&B) Admn and Govt of AP or Telangana** **Any recommendations of the sub committee in violation of prevailing GOs, amendments to constitution, order of Hon'ble Apex Court and Hon'ble High Court shall not be consideredby the R&B Dept or Govt of Andhra Pradesh.**

		<u>Reply:</u> The administrative sub-committee of officers / staff pertaining to both the States, consisting of Deputy Engineer-in-Chief(R&B) Admn, NTPA and Superintendent concerned, was formed with the following tasks:(i) preparation of seniority lists in all the Engineering Cadres and (ii) preparation of long pending year-wise panels of Executive Engineers and next higher cadres up to 02-06-2014.However, the above sub-committee will, as already asserted by the applicant, assist the concerned Head of Department and it is also true that the said recommendations of the sub-committee are not binding on the concerned Heads of Departments. But, when the Department is preparing year-wise panels right from 1994-95 to till to date, the data regarding expiry of Engineers, individual court cases, removal of Engineers from service, VRS details etc., will play a vital role for inclusion of an Engineer and it is to be ensured that while preparing and sending proposals to the Government and in turn to GA Dept, no ommissions / excisions were taken place.As in some cases, the Department has faced problems with the lack of information and more particularly, where there is a chance of undermining the settled judgments in respect of individual cases, the above sub committee was formed with a view to mitigate such lapses to the maximum extent. Furthermore, after bifurcation of combined state and when the task of preparation of year-wise panels and seniority lists for the contemporary periods, was specifically entrusted to the residual State of AP, there is a bare necessity to complete the above task with the cooperation of the State of Telangana also.
		Keeping in view of the urgency in completing the task of preparation of year-wise panels as well as seniority lists in each and every higher cadre, the above sub-committee has met on 04-05-2023 in the chambers of the Chief Engineer(R&B) Admn & QC and have gone through several judgments, relevant rule position and their interpretation made by the law of land and opinion of the learned Advocate General, AP and finalized the methodologies for preparation of seniority lists of EE and SE for the period from 2002-03 to 2006-07. However, it is a fact that these recommendations are merely based on either the rule position already precitipated in AP State and Subordinate Service Rules or several Judgments already delivered by Hon'ble Courts. Further, the CE(R&B) Admn & QC has accepted the said recommendations and recommended to adopt the same, it cannot be faulted with any procedural lapse, unless the said recommendations of the sub-committee runs contrary to either Rules in force at that time or Judgments delivered in this regard. **Hence, this objection is merely an apprehension and is ignored.**
		2. (Para-10) The conclusion on Article-16(4-A) and Judgment in M.Nagaraj that "reservation in promotions with consequent seniority, is patently unfounded" is totally misinterpretation and against the spirit of Constitutional amendment and order of Apex Court. The Hon'ble Supreme Court, while reviewing the constitutional amendment of consequent seniority, have categorically upheld the same and stipulated the broader guidelines to implement the same. Misinterpretation of the Hon'ble Supreme Court guidelines and thereby declining the consequent seniority is totally unjustified.

		Reply: As per the Applicant, the act of misinterpretation attributed to the Department, in the above aspect, is merely ignorance of law of land or convenient interpretation of said Judgments. Whatever the averments made at Para-10 of Circular memo dated 17-05-2023 are merely extracts of Judgment of a Division Bench of Hon'ble High Court in WP No.2614/2011 & Batch dated 23-02-2012. As per doctrine of precedent in legal jurisprudence, the law declared by Hon'ble Apex Court are binding on the subordinate Courts and in accordance with the power vested to Hon'ble High Court under Article-226, Hon'ble AP High Court in its Judgment dated 23-02-2012 in WP No.2614 of 2011 & Batch, have held as follows:Even now, the regime of reservation in promotions with consequential seniority, for Schedule Castes and Schedule Tribes was merely an enabling provision and the Constitution per se enjoined neither reservation in promotions nor consequential seniority. That this is the true position and interpretation of the Constitutional provision is clear from the judgment in M. Nagaraj.On a grammatical or a true and fair construction of the provisions of Article 16(4-A) and in the light of the precedential authority of M. Nagaraj, the premise of the learned Tribunal that Article 16(4-A) and the decision in M. Nagaraj enjoin reservation in promotions with consequent seniority, is patently fallacious and unfounded. **In view of the above, the decision of a Division Bench of Hon'ble High Court cannot be faulted, unless it is either modified or set aside by Hon'ble Apex Court. Hence, this part of the objection is ignored, since the Dept has followed the above Judgment in toto.**
		3. (Para-11) GO Ms No.5, GO Ms No.21, GO Ms No.123 and GO Ms No.2 and different judgments of Hon'ble High Court and Hon'ble Supreme Court have categorically endorsed the application of rule of reservations in promotions and consequential seniority within the frame work of above listed guidelines. Accordingly, applying the consequential seniority in R&B Department at different cadres at present do not deviate any of the above guidelines. Hence, it is requested to kindly implement consequential seniority as per the above GOs.
		Reply: This part of the objection on Para-11 is also ignorance of law. The assertions made in Para-11 of Circular Memo dated 17-05-2023 are also an extract of part of the Judgment dated dated 23-02-2012 of Hon'ble High Court in WP No.2614 of 2011 & Batch, as extracted below:"Whether G.O.Ms.No.5; the administrative guidelines issued in G.O.Ms.No.21; the statutory amendments issued in G.O.Ms.No.123; the "comprehensive orders" (executive) issued in G.O.Ms.No.2; or the interactive analyses of Rules – 5, 6, 22 and 33 of the 1996 Rules enable or mandate consequent seniority, consequent on promotions made by applying the rule of reservation, requires careful and detailed analyses which does not appear to have been undertaken in the impugned judgment nor does there appear any argument advanced at the Bar on these aspects of the matter. The conclusion by the Tribunal that seniority would follow as a consequence of reservation in promotions is a fallacious conclusion predicated on a fundamental misconception of the provisions of Article 16 (4-A) and the judgment in M. Nagaraj". **Hence, this objection is ignored.**

		4. (Para-12(a) to (d) and Para-13) The Judgment of Hon'ble High Court does not deny the application of rule of reservation and consequential seniority. The Judgment only stipulates to undertake full exercise as set out in the judgments of Supreme Court in M.Nagaraj and Jarnail Singh. The exercise pertaining to cadre strength in each cadre of the Department and verifying the adequacy for SC / ST employees in each cadre in that particular panel year is to be done whenever promotion panels are being prepared.
		Reply: Hon'ble High Court in its Judgment dated 11-12-2018 have held that GO Ms No.5 dated 14-02-2003 has clearly ignored the mandate of Article-16(4A). Subsequently, Hon'ble Court have also declared that while issuing GO Ms No.26 dated 20-02-2009, the erstwhile Govt of AP has ignored the land mark Judgment in M.NAGARAJ.However, Hon'ble Court have, aright held that "G.O.Ms.No.5 dated 14.02.2003 and G.O.Ms.No.26 dated 20.02.2009, though they are worded as positive directions, would have to be read down and understood in the context of the constitutional scheme of Article 16(4A), as spelt out in clear terms by the Supreme Court in M.NAGARAJ". Further it was held therein that these Government Orders would therefore have to be construed as enabling provisions put in place by the State Government, but before giving effect to reservation in promotions in favour of Scheduled Castes and Scheduled Tribes in State services with consequential seniority, the exercise detailed in M.NAGARAJ1, set out supra, would necessarily have to be undertaken".In view of the above, keeping in view of the peculiar situation prevailed in (R&B) Department wherein the year-wise panels of EE, SE, CE and E-in-C are pending w.e.f 2002-03 onwards, the orders issued in GO Ms No.5 or GO Ms No26 are to be either interpreted or implemented as stipulated by the Hon'ble Court above and cannot be implemented indocilely. **Hence, this objection is ignored.**
		5. (Para-15, 16 & 17) In these paragraphs, by referring the Hon'ble Supreme Court Judgment in M.Nagaraj, GO Ms No.5 and certain AP State and Subordinate Service Rules, 1996, stated that "consequential seniority to the reserved category promotes is also subject to "inadequate representation".The above statement in the circular is totally misinterpretation of relevant GOs and judgments. There is no mention in any of the relevant GOs and judgments, that consequential seniority is to be implemented merely to make adequate representation. The circular is trying to limit the application of consequential seniority to the extent of inadequate representation of SC / ST employees. the same is gross violation of constitutional requirement issued through amendment, relevant GOs and judgments of High Court and supreme court. It is minimum common understanding that in order to make just to meet the adequate representation of SC / ST employees, 77th constitutional amendment and GO Ms No.5 dated 14-02-2003 are merely sufficient. 85th Constitutional amendment and GO Ms No.26 dated 20-02-2009 would not have been necessary. The actual intention of the 85th amendment to constitution is that "candidates for reserved categories are allowed to maintain seniority above general category employees through consequential seniority. A reserved category candidates keeps their seniority for subsequent promotions, if they are promoted before a general category applicant due to a reservation in promotion".

		The above position has been clearly reiterated by the Govt of India through OM No.20011/1/2001-Estt(D) of DoPT dated 21-01-2002. **In view of the above, it is very clear that consequential seniority cannot be denied to any of the accelerated promotee in the name of adequacy or otherwise. Hence, the statement in Para-17 that consequential seniority to the reserved category promotes is also subject to "inadequate representation" is completely against the constitution, Govt orders , Apex Court Judgments.**
		Reply: In the land mark Judgment of M.NAGARAJ (2006), the Petitioner therein have challenged Article-16(4A) for attaching "consequential seniority" to the accelerated promotion, as it was, in their view, violates equality in Article 14 read with Article 16(1). (**Page 362)**However, Hon'ble Apex Court in its Judgment in M.NAGARAJ held that "Therefore, in every case where the State decides to provide for reservation there must exist two circumstances, namely, 'backwardness' and 'inadequacy of representation'.**(Page 402)** .... These are the limitations on the mode of the exercise of power by the State. None of these limitations have been removed by the impugned amendments. If the concerned State fails to identify and measure backwardness, inadequacy and overall administrative efficiency then in that event the provision for reservation would be invalid. These amendments do not alter the structure of Articles 14, 15 and 16 (equity code). The parameters mentioned in Article 16(4) are retained. **(Page 402)**It was further held by Hon'ble Apex Court that "As long as the boundaries mentioned in Article 16(4) are retained in Articles 16(4A) as controlling factors, we cannot attribute constitutional invalidity to these enabling provision". **(Page 414)**From the above, it is evident that the "controlling factor of inadequacy" is the primary condition for invoking reservations in promotions by any State. In absence of inadequacy, the reservations in promotions can neither be operated nor ordained to be operated. This fact was reiterated by Hon'ble High Court in its Jugement dated 11-12-2018 in WP No.4415/2016 & Batch as "The Government Orders and more particularly, G.O.Ms.No.5 dated 14.02.2003 and G.O.Ms.No.26 dated 20.02.2009 are read down to merely enable the State to implement the policy of reservation in promotions if the necessary conditions are made out..." **(Page 12)**
		When the phrase "with consequential seniority" was inserted in Article-16(4A) and the same was impugned by the Petitioners, Hon'be Apex Court opined that since the "controlling factor of inadequacy" was retained in the amended Article-16(4A), it cannot be found faulted. As such, the "controlling favtor of inadequacy", in the opinion of the Hon'ble Apex Court, still controls the issue of "consequential seniority" and as long as the same is retained in Article-16(4A), Court has not attributed constitutional invalidity to the said amendment.Furthermore, Hon'ble Apex Court have categorically held that "We have not examined the validity of individual enactments of appropriate States and that question will be gone into in individual writ petition by the appropriate bench in accordance with law laid down by us in the present case".Accordingly, Hon'ble Apex Court as well as Hon'ble High Court, while deciding on the laws enacted by several States, have followed the law laid down in M.NAGARAJ. Accordingly, in B.K.Pavitra-II delivered on 10-05-2019, it was pronounced by Hon'ble Apex Court that "On the contrary, the data submitted by the State of Karnataka indicates that if consequential seniority is not allowed, there would be under representation of the reserved categories". **(Page 1218)** As such, the necessity for extending consequential seniority to the accelerated promotees is to ensure their adequate representation in the promotion category and beyond that there will be no role for the concept of consequential seniority.

		It is also informed that Hon'ble High Court of Himachal Pradesh in its Judgment dated 18-09-2009 in CWP-T No.2628 of 2008, in unequivocal terms have held that "No doubt under the provisions of Article 16(4A) the State is entitled to grant consequential seniority on promotion to the members belonging to the scheduled castes and scheduled tribes, but there must be data available with the State Government to show that the scheduled castes and scheduled tribes are inadequately represented in the services or in the cadre to which promotions have to be made". **(Page 16)**From the above, it is again established that the Department may extend consequential seniority to the Executive Engineers (promoted category) w.e.f the date of notional date of commencement of probation so arrived, if the Department have the data to show that the SC / STs are inadequately represented in SE category (promotions have to be made). As a matter of fact, right from the date of inception of ROR in promotions, adequate number of SCs as well as STs are available in the cadre of SE. Hence, extending consequential seniority to the EEs now promoted w.e.f 2002-03 does not arise.When the above Judgment of Hon'ble High Court dated 18-09-2009 was challenged before Hon'ble Apex Court, it was disposed of by order dated 26-04-2010 by Apex Court Spl (C) No.30143 of 2009 based upon the undertaking given by the concerned State to collect quantifiable data with regard to SC / ST employees **(Page 385)**
		Hon'ble High Court of AP (combined State) in its judgment dated 29-11-2018 in WP No.9456 of 2018 have held that "Be it noted that in terms of this exercise, the organization would have to quantify the data as to the adequacy of representation of these reservation categories in the promotional posts; assess the effect upon the efficiency of administration if such reservation is provided; examine the issue of creamy-layer as laid down in M.NAGARAJ2 and JARNAIL SINGH1; apart from the other parameters which have been left untouched in M.NAGARAJ2, and thereafter confer the benefit of reservation in promotions with or without consequential seniority, as warranted". **(Page 3)**It was further held therein that "The writ petition is accordingly disposed of directing the petitioners to abide by the edict of the Supreme Court as set out supra and review the promotions made after the filing of the O.A. and the consequential seniority, if already granted, after giving due opportunity of hearing to all parties concerned in the light of the afore stated parameters". **(Para 4)**From the above, it can be ascertained that the consequential seniority is not automatic and there exists a situation where promotions can be affected by following the reservation in promotions even without extending consequential seniority. Further, much emphasis is to be given to the words put forward by Hon'ble Court as "as warranted". It specifically denotes that the Department which is implementing reservations in promotions shall undertake mandatory exercise even while extending consequential seniority. If this part of the Judgment is read with the Judgment dated 18-09-2009 of Hon'ble High Court of Himachal Pradesh, it is abundantly clear that the issue of extending consequential seniority to the accelerated promotees is conditional and not automatic and necessity / need for extending consequential seniority must exist for enabling the Dept to extend consequential seniority.

		Furthermore, in the above Judgment, Hon'ble court have categorically directed the Respondents to review, not only the promotions, but also the consequential seniority, if already granted. So the contention of the applicant that the consequential seniority is automatic and no exercise is required to such granting of seniority is merely illegal.It is further informed that promotion to the EE category will be made based on the seniority list of DEEs. Similarly seniority in the promoted category i.e., EE is meant for promotion to the post of SE. Hence, while fixing the seniority in the promoted category (i.e., EE), the need / necessity for granting consequential seniority will automatically dependent on the adequacy of the SC / ST employees in the next higher category to which promotions have to be made (ie., SE). It is made clear that even after insertion of "with consequential seniority" in Article-16(4A), the State can provide neither reservations in promotions nor can grant consequential seniority beyond the substantive limits prescribed under the law enacted in any particular State by invoking Article-16(4A). That is the reason why Hon'ble Apex Court have, aright, cautioned the States as "even if the State has the said compelling reasons, the State will have to see that its reservation provision does not lead to excessiveness".In view of the above, it is abundantly clear that the consequential seniority is also subject to inadequacy of SCs / STs and it appears that in the opinion of the Applicant, there is no need for undertaking any exercise to assess the necessity of granting consequential seniority to the accelerated promotees and it is automatic. But, it is to inform that GO Ms No.26 dated 20-02-2009 was issued for enabling the consequential seniority to the reserved category promotees and it does not prescribe any methodology for preparation of a panel, as was in case of several GOs issued by the Govt from time to time.
		However, as a matter of fact, Hon'ble High Court in its Judgment dated 11-12-2018 in WP No.4415 of 2016 & Batch, have unconditionally asserted that "Even though GO 26 was issued after M.Nagaraj, there was no direction by the State to undertake the exercise as mandated thereby on an individual cadre basis". This emphatical assertion of Hon'ble Court obligates the Department to undertake the mandatory exercise on an individual cadre basis to extend the consequential seniority in the feeder category, if warranted.
		In regard to the DoPT OM dated 21-01-2002 alluded by the applicant is concerned, it is informed that the said OM was issued prior to the land mark Judgment of Hon'ble Apex Court in M.NAGARAJ (2006).However, as per Para-41 of Hon'ble Supreme Court Judgment in UP Power Corporation Vs. Rajesh Kumar (2012(7) SCC 1) a fresh exercise in the light of Consequential Bench Judgment in M.Nagaraju case is a categorical imperative for each and every State which seeks to implement the Rule of Reservation in respect of SCs / STs in the matter of promotion. Hence, any policy in regard to providing reservations in promotion existed prior to the Judgment of M.Nagaraj (2006), it would be of no avail. It is submitted that from the decision of Hon'ble Supreme Court either in Surajbhan Meena Vs State of Rajasthan or UP Power Corporation Vs. Rajesh Kumar, it is clear that an earlier Act, Rule, or a provision, would not be considered to be legal and valid, if a fresh exercise has not been undertaken for collecting or acquiring quantifiable data, after the decision in M.Nagaraju Vs. Union of India which was decided on 19-10-2006.As per Hon'ble Supreme Court Judgment in P.V.George vs. State of Kerala [(2007) 3 SCC 557], "the law declared by a court will have retrospective effect, if not otherwise stated to be so specifically". Further, it is a settled principle of law that once any principle is declared by the Hon'ble Apex Court in an expressive manner, any contrary circulars/ Orders/Memorandums issued prior to or subsequent to the said declaration, are non-est and cannot be followed. As such, any orders issued in contrary to the principle that was precipitated vide M.NAGARAJ (2006) Judgment, are against law.

		Moreover, as per the clarification given by the Government of India, the instructions issued by the Department of Personnel and Training, Government of India in regard to seniority, are not applicable to Public Sector Units, Autonomous bodies, Banks etc. Hence, unless the concerned State Government enacts a rule separately, the DoPT rules do not automatically applicable for that State Government Employees. **In view of the above elaborated clarifications and as well as the binding edicts of Hon'ble Courts, the consequential seniority can be extended to the accelerated promotees in EE category to the extent of inadequacy of SCs / STs in the cadre of SE and if the judgment rendered in BK Pavitra-II is interpreted to the present situation, consequential seniority is to be granted to the accelerated promotees in EE cateogry to ensure adequate representation of SCs / STs in SE category to the extent of 15% and 6% respectively. Hence, this objection is ignored.**
		6. (Para-18, 18(i), 18(ii), 18(iii) & 18(iv) In these paragraphs, the contempt case and promotion GO pertaining to the State of Telangana were referred. As per the paras mentioned in the circular, it is patent violation of basic intention of 85th Constitutional amendment and related GOs, Judgments of different Courts. Hence, it is humbly prayed not to take the GO Ms No.246 dt 27-08-2021 as precedent in implementation of consequential seniority
		Reply: It is informed that GO Ms No.5 dated 14-02-2003 and all the subsequent GOs with regard to implementation of ROR in promotions in favour of SC / STs were issued during the combined State period. GO Ms No 26 dated 20-02-2009 conferring consequential seniority to the accelerated promotees was also issued during the combined State period. An IAS officers committee was constituted during the combined State period and it has given its opinion in 2013 that there is no need to amend the statutory rules to the extent of conferring consequential seniority to the reserved category promotees, as Rule-33(a) and 33(b) of General Rule are adequately ensuring consequntial seniority.But, as already clarified at Point No.3 of Objection-1, learned AG, AP in his opinion dated 26-11-2019, in categorical terms, has negated the opinion of the IAS officers committee, as the same is not comprehending the fact situation arising from the roster-point promotions for being granted consequential seniority. Subsequently, another Committee was constituted in Govt of Telangana under chairmanship of Sri Rahul Bojja, IAS and (5) Additional / Joint / Deputy Secretaries. The said Committee has given its opinion, which was not openly available.

		However, the Govt of Telangana, in view of the orders issued by a Division Bench of Hon'ble high Court of Telangana in CC No.1798/2019 in WP No.43051/2016 impleading the Chief Secretary, Telangana as the contemnor, the Advocate General of Telangana has sought 45 days time from the Court to comply with the orders dated 11-12-2018 of High Court and accordingly, the panels of SOs, AS, DS, JS and Addl Sec in Secretariat of Telangana w.e.f 02-06-2014 were reviewed and objections were called for. After attending to the objections so received, the Govt of Telangana has approved the review panels vide GO Ms No.246 GA(SU-I) Dept, dated 27-08-2021. As such, the revision of panels of Secretarial cadres is not still under provisional stage but they were finalized and a GO was issued to that extent.It is relevant to mention that the GOs with regard to implementation of ROR in promotions in favour of SC / ST employees, the GO which has conferred consequential seniority were issued during the combined State period and the same are being implemented in Govt of Telangana also even after 02-06-2014. Since the formation of Telangana itself was w.e.f 02-06-2014, the Govt of Telangana has no authority to review any panel prior to formation of Telangana. Hence, the Govt of Telangana has reviewed the panels from 02-06-2014. But, the explicit direction from Judgment dated 11-12-2018 stipulates to review promotions issued while implementing ROR in promotions, since institution of OA No.6563 of 2011.
		Further, the Judgment dated 11-12-2018 has defined the content and objective of GO Ms No.5 dated 14-02-2003 and GO Ms No.26 dated 20-02-2009 and stipulated to read down and understand them in the context of the constitutional scheme of Article 16(4A), as spelt out in clear terms by the Supreme Court in M.NAGARAJ. Further, learned AG, AP in his opinion has also opined to comply with the directions contained therein in the context of the findings of the High Court about GO Ms No.5 and GO Ms No.26. As such these GOs are to be invariably understood and implemented in the context of the finding of those GOs by the High Court and to be understood in the context of the constitutional scheme stated in clear terms in M.NAGARAJ.In view of the above, since the Judgment dated 11-12-2018 was issued by the Hon'ble High Court of combined State and it is applicable for both the States (as direction was given to both the States in the above Judgment) even the Govt of Telangana cannot have any other option but to adopt the same anology, which is similar to that of residual State of AP. The residual State of AP is also binding with the above dictum. However, keeping in view of the peculiarity prevailed in (R&B) Dept wherein no panels of EE, SE, CE & E-in-C were conducted w.e.f 2002-03 onwards, the question of revision of panels w.e.f 01-09-2011 does not arise. But, the State is obliged to implement either GO MS No.5 or GO MS No.26 in strict accordance with the findings of the High Court about GO Ms No.5 and GO Ms No.26. Hence, the contention of applicant that the methodology followed by the Govt of Telangana cannot be applied to Andhra Pradesh is merely misunderstanding of Judgment dated 11-12-2018.It is also relevant to mention that during the process of revision of panels of Secretariat cadres in Govt of Telangana, certain reserved category employees have approached Hon'ble High Court, Telangana vide WP No.18931 of 2021 & Batch. But, Hon'ble High Court, on 01-09-2021 have dismissed the above WPs on two grounds as detailed below:

		1) 19.....A fair reading of the impugned proceedings do not indicate that it is in violation of any constitutional rights conferred upon the petitioners, since it is only a case of promotion and not a case of employment under Scheduled Caste and Scheduled Tribe categories.2) 20……the writ petitions filed are premature as they have been filed against the impugned proceedings, which have not attained finality. This Court is not inclined to grant relief to the petitioners. It is not open for the petitioners to challenge the impugned notice having accepted it and filed their objections and the matter is pending before the authorities for final decision. It is not proper for this Court to interfere with the administration of the respondents and not allowing them to take a final decision in preparing seniority list. It cannot be presumed that the official respondents would ignore the judgments of Apex Court, committee reports and objections of the petitioners and would pass a biased order. A fair opportunity has to be given to the respondents to perform their administrative functions.Subsequently, after receipt of objections from the concerned, the Govt of Telangana have approved the review panels vide GO Ms No.246 GA(SU-I) Dept, dated 27-08-2021. As such, the above revision process is deemed to have withhold the legal scrutiny and holds good, till it is altered by any higher court and cannot said to be illegal under any stretch of imagination. **Hence, this objection is ignored.**
		7. (Para-20) It is mentioned that "in the absence of provision for consequential seniority to the reserved category promotees in the relevant rules".... Consequential seniority has not been considered.In this connection, it is pertinent to mention that the "Committee of officers under the chairmanship of Sri Asutosh Misra, IAS and the then Prl Secretary, Revenue Dept in their recommendations dated 31-03-2013 clearly stated that "there is no need to amend further the AP State and Subordinate Service Rules'1996, as the existing provisions of Rule 33(a) and 33(b) of the said Rules adequately ensure the consequential seniority of SC / ST candidates appointed by promotion / transfer based on the policy of reservation. Hence, it is very clear that the amendments to service rules are not required to implement rule of reservation as well as consequential seniority.
		Reply: The remarks already given at Point No.3 in Objection No.1 are sufficient to prove that the contention of the applicant, in this regard is not correct. **Hence, this objection is ignored.**
3	**D.Narsimha, I/ CE Retired, Telangana dated 29-05-2023**	**1) They were promoted as EE and SE vide GO Ms No.500 T(R&B) Dept, dated 14-02-2012 and GO Ms No.62 T(R&B) Dept, dated 22-06-2012. Subsequently they were placed as I/c CEs based on their placements in the above GOs. During the above promotions, ROR in promotions as well as consequential seniority was implemented.** **The subsequent E-in-C(R&B) Admn has also prepared year-wise panels of CE, SE and EE duly following the ROR in promotions with consequential seniority and submitted proposals to Govt vide letter No.3939/Ser-I(3)/2015, dated 04-04-2016.**

4	**D.Asha Rani, I/c CE, Retired, Telangana dated 29-05-2023**	**Reply**: As already explained supra, the above EE and SE panels were approved by the Government based on the integrated seniority list of DEEs dated 04-08-2011. But, subsequently, Hon'ble APAT in its judgment dated 11-12-2013 have set aside the above seniority list dated 04-08-2011 and directed to adopt earlier seniority list of DEEs with modification as per earlier Judgments of High Court and further directed to make promotions to EE and higher cadres in accordance with that seniority list of DEEs. Hence, all the promotions made in the cadres of EE and SE are no more in existence. Hence, the panels of EE and above cadres are to be again prepared, afresh, based on the revised seniority list of DEEs dated 20-02-2019 (GO 20). Therefore no Engineer has got any vested rights on those set aside promotional panels.Insofar as the proposals sent by the then E-in-C(R&B) Admn dated 04-04-2016 are concerned, it is submitted that they were not taken into consideration by the then Government and hence, they were not precipitated into finality by way of approval by DPCs at various levels. They remained as, merely proposals and cannot be relied upon under any stretch of imagination.Further, after deliverance of Judgment dated 11-12-2018 in WP No.4415 of 2016 & Batch, it is quite illegal to insist for following the earlier erroneous methodologies, which were existed prior to deliverance of Judgment dated 11-12-2018. Hence, panels of EEs and above cadres are to be prepared in strict accordance with the interpretation given by Hon'ble High Court to GO Ms No.5 and other GOs which stipulates the methodologies for preparation of a panel.
		Further, while implement GO Ms No.26, the mandatory exercise is to be undertaken in terms of Judgment dated 11-12-2018 in WP No.4415 of 2016 & Batch and the provisions contained in GO Ms No.26 dated 20-02-2009 are to be understood and implemented in the context of the constitutional scheme of Article 16(4A), as spelt out in clear terms by the Supreme Court in M.NAGARAJ.
5	**J.Mohan Naik, I/c CE, Telangana dated 29-05-2023**	**2) The T(R&B) Dept, Govt of AP is kind enough to obtain the Advocate General Opinion vide letter No.580/2019/Opinion No.78/2019, dated 26-11-2019 on application of ROR with consequential seniority and issued Memo No.RDBSOENC(PROM)27/2019-Ser.R&B, dated 28-11-2019 to the E-in-C(R&B) AP for preparation of year-wise panels. Accordingly, year-wise panels upto 2019 were parepred and submitted to the Govt by the E-in-C(R&B) AP for approval. Further it is pertinent to mention here that the seniority revised three times, every time their position never changed vis-a-vis General candidates and general candidates are far below them.**
		Reply: As already explained supre, the year-wise panels prepared and approved during the year 2012 are based on set aside seniority list of DEEs. Hence, the methodologies that were in force cannot be followed now, as Hon'ble High Court have specifically directed that G.O.Ms.No.5 dated 14.02.2003 and G.O.Ms.No.26 dated 20.02.2009, though they are worded as positive directions, would have to be read down and understood in the context of the constitutional scheme of Article 16(4A), as spelt out in clear terms by the Supreme Court in M.NAGARAJ. Further, the panels in the higher cadres are to be prepared by following the 100 point roster stipulated under Rule-22 of AP State and Subordinate Service Rules and even now, while preparing and approving the panels of EEs communicated vide GO Ms No.33 dated 12-05-2023, same methodology was adopted. However, while effectuating the provisions contained GO Ms No.26 dated 20-02-2009, it is made clear that no seniority lists in the cadres of EEs, SEs, CEs were issued and finalized earlier. As such, the claim of the applicants that they were extended with consequential seniority do not have backing of any document. Only the panel positions that were approved earlier, were construed as the seniority in that category and panels of next promotion post were prepared based on the panel position in the feeder category. Hence, applicants are of the opinion that the panel position itself, automatically reflects into seniority.

		But, this contention is against the settled law rendered by various Courts. Hon'ble Supreme Court in its Judgment dated 27-08-2015 have held that Rule-35(aa) of Tamilnadu Service Rules on which the reserved category employees relied upon, is applicable only for normal appointments to any class, category or grade, but not reserve category promotions and that rule does not specifically provides for consequential seniority to the accelerated promotees.36.....The Division Bench appears to have proceeded on an erroneous footing that Article 16(4-A) of the Constitution of India automatically gives the consequential seniority in addition to accelerated promotion to the roster-point promotees and the judgment of the Division Bench cannot be sustained.Hon'ble high Court of AP in its Judgment dated 23-02-2012 in WP No.2614/2011 & Batch have held that:The conclusion by the Tribunal that seniority would follow as a consequence of reservation in promotions is a fallacious conclusion predicated on a fundamental misconception of the provisions of Article 16 (4-A) and the judgment in M. Nagaraj.Article 16 (4-A) being a mere enabling provision, the Tribunal ought to have analyzed whether the architecture of the relevant provisions by the State (whether statutory or administrative) enjoined seniority consequent on reservation in promotions. In the light of this vacuum in the analyses by the Tribunal its conclusion that reservation in promotions integrates consequential seniority, cannot be sustained.
		In view of the above, the panel position will be decided by Rule-22(e) whereas for arriving to determination of seniority of a accelerated promotee, an exercise is to be undertaken in terms of directions issued in Judgment dated 11-12-2018 of AP High Court in WP No.4415/2016 & Batch and also in terms of law laid down by Hon'ble High Court of Himachal Pradesh in its Judgment dated 18-09-2009 in CWP-T No.2628 of 2008, which stipulates as extracted below:WP No.2628: "No doubt under the provisions of Article 16(4A) the State is entitled to grant consequential seniority on promotion to the members belonging to the scheduled castes and scheduled tribes, but there must be data available with the State Government to show that the scheduled castes and scheduled tribes are inadequately represented in the services or in the cadre to which promotions have to be made". **(Page 16)**WP No.4415: Even though GO 26 was issued after M.Nagaraj, there was no direction by the State to undertake the exercise as mandated thereby on an individual cadre basis.
		In view of the above, this objection is ignored.
		3) The empowered committee have gone through the methodology adopted by the administrative department in determination of adequacy of SCs / STs in each panel year in each cadre and the implementation of rule of reservation in promotions in respect of SCs / STs. The empowered committee observed that the adequacy and guidelines in implementation of ROR in promotions with consequential seniority in respect SCs / STs are in accordance with the orders issued by the Government and suggested the Dept to place the statement in Annexure-I before Hon'ble Court in WP No.10128/2020.

		Reply: As a matter of fact, the role of the Empowered Committee is to finalize guidelines for preparation of year-wise panels retrospectively, whereever necessary, which will pave the way for preparation of year-wise panels by the concerned Dept and place the same before the concerned DPCs / Screening Committees.When the then E-in-C(R&B) Admn has prepared long pending year-wise panels of EEs, SEs, CEs and E-in-Cs from 1994-95 to 2018-19, the same was challenged by Sri L.Sreenivasa Reddy, I/c CE before Hon'ble High Court in WP No.10128/2020 with the following primary objections:(i) The year-wise panes of SEs, CEs and E-in-Cs were prepared without preparing and finalizing seniority lists in their feeder cadres i.e., EEs, SEs and CEs. (ii) Whiel preparing the above year-wise panels, consequential seniority to the accelerated promotees was extended beyond its permissible limits and thereby the representation of SCs / STs was beyond their prescribed quota.Upon hearing the matter on 19-06-2020, Hon'ble High Court was pleased to direct the Respondents including the Empowered Committee to undertake the mandatory exercise stipulated in M.Nagaraj read with Jarnail Singh and directed to place such record before Court.
		From the contents of the Empowered Committee minutes of meeting at Para-5 that "5. Further the Department have placed a statement before the Empowered Committee showing the details of year-wise cadre strength, adequacy details of SCs / STs in each panel year for different categories of posts viz. Executive Engineer, Superintending Engineer,. Chief Engineer and Engineer-in-Chief, which is appended as Annexure-I". From the above, it is abundantly clear that the Administrative Department i.e, T(R&B) Dept have placed the statement (Annexure-I) before empowered committee and not the year-wise panels sent by the then HoD.
		However, the opinion of the Empowered Committee dated 12-08-2020 was placed before Hon'ble Court in terms of interim orders dated 19-06-2020 and the Court is yet to adjudicate the issue in terms of law laid down in M.NAGARAJ. Hence, unless the exercise undertaken by the Department or subsequently endorsed by the Empowered Committee is adjudicated by the Hon'ble Court, the opinion of the Empowered Committee cannot be construed as legally valid.
		4) Their names in GO Ms No.33 dated 12-05-2023 were shown against concerned roster points and the EEs pertaining to general category were shown below them. However, Sri P.Satish and Sri K.Venugopal Reddy have prepared one more list which was annexure to the circular memo dated 17-05-2023 duly showing the date of notinal commencement of probation and the date from which the seniority was reckoned. In that list, the name of applicants were shown at different place in a fraudulent way by both the HoDs to elevate themselves by overriding their names.

		<u>Reply:</u> As already explained above at Point No.2 of Objections of Three Engineers, the consequential seniority is not automatic because of the following reasons / decisions of Hon'ble Courts: Hon'ble High Court in WP No.2614 of 2011 & Batch in its Judgment dated 23-02-2012 have held as follows: "Whether G.O.Ms.No.5; the administrative guidelines issued in G.O.Ms.No.21; the statutory amendments issued in G.O.Ms.No.123; the "comprehensive orders" (executive) issued in G.O.Ms.No.2; or the interactive analyses of Rules – 5, 6, 22 and 33 of the 1996 Rules enable or mandate consequent seniority, consequent on promotions made by applying the rule of reservation, requires careful and detailed analyses which does not appear to have been undertaken in the impugned judgment nor does there appear any argument advanced at the Bar on these aspects of the matter. The conclusion by the Tribunal that seniority would follow as a consequence of reservation in promotions is a fallacious conclusion predicated on a fundamental misconception of the provisions of Article 16 (4-A) and the judgment in M. Nagaraj".
		Furthermore. Hon'ble Supreme Court in its Judgment dated 27-08-2015 in Panneer Selvam & Ors Vs State of Tamilnadu & Ors have held that "the Division Bench appears to have proceeded on an erroneous footing that Article 16(4-A) of the Constitution of India automatically gives the consequential seniority in addition to accelerated promotion to the roster-point promotees and the judgment of the Division Bench cannot be sustained".
		Further, in the land mark Judgment of M.NAGARAJ (2006), the Petitioner therein have challenged Article-16(4A) for attaching "consequential seniority" to the accelerated promotion, as it was, in their view, violates equality in Article 14 read with Article 16(1). (**Page 362)** However, Hon'ble Apex Court in its Judgment in M.NAGARAJ held that "Therefore, in every case where the State decides to provide for reservation there must exist two circumstances, namely, 'backwardness' and 'inadequacy of representation'.**(Page 402)** .... These are the limitations on the mode of the exercise of power by the State. None of these limitations have been removed by the impugned amendments. If the concerned State fails to identify and measure backwardness, inadequacy and overall administrative efficiency then in that event the provision for reservation would be invalid. These amendments do not alter the structure of Articles 14, 15 and 16 (equity code). The parameters mentioned in Article 16(4) are retained. **(Page 402)** It was further held by Hon'ble Apex Court that "As long as the boundaries mentioned in Article 16(4) are retained in Articles 16(4A) as controlling factors, we cannot attribute constitutional invalidity to these enabling provision". **(Page 414)** From the above, it is evident that the "controlling factor of inadequacy" is the primary condition for invoking reservations in promotions by any State. In absence of inadequacy, the reservations in promotions can neither be operated nor ordained to be operated. This fact was reiterated by Hon'ble High Court in its Judgment dated 11-12-2018 in WP No.4415/2016 & Batch as "The Government Orders and more particularly, G.O.Ms.No.5 dated 14.02.2003 and G.O.Ms.No.26 dated 20.02.2009 are read down to merely enable the State to implement the policy of reservation in promotions if the necessary conditions are made out..." **(Page 12)**

		When the phrase "with consequential seniority" was inserted in Article-16(4A) and the same was impugned by the Petitioners, Hon'be Apex Court opined that since the "controlling factor of inadequacy" was retained in the amended Article-16(4A), it cannot be found faulted. As such, the "controlling favtor of inadequacy", in the opinion of the Hon'ble Apex Court, still controls the issue of "consequential seniority" and as long as the same is retained in Article-16(4A), Court has not attributed constitutional invalidity to the said amendment.Furthermore, Hon'ble Apex Court have categorically held that "We have not examined the validity of individual enactments of appropriate States and that question will be gone into in individual writ petition by the appropriate bench in accordance with law laid down by us in the present case".Accordingly, Hon'ble Apex Court as well as Hon'ble High Court, while deciding on the laws enacted by several States, have followed the law laid down in M.NAGARAJ. Accordingly, in B.K.Pavitra-II delivered on 10-05-2019, it was asserted by Hon'ble Apex Court that "On the contrary, the data submitted by the State of Karnataka indicates that if consequential seniority is not allowed, there would be under representation of the reserved categories". **(Page 1218)** As such, the necessity for extending consequential seniority to the accelerated promotees is for purpose of ensuring adequate representation in the promoted category and beyond that there will be no role for the concept of consequential seniority.
		It is also informed that Hon'ble High Court of Himachal Pradesh in its Judgment dated 18-09-2009 in CWP-T No.2628 of 2008, have unequivocally held that "No doubt under the provisions of Article 16(4A) the State is entitled to grant consequential seniority on promotion to the members belonging to the scheduled castes and scheduled tribes, but there must be data available with the State Government to show that the scheduled castes and scheduled tribes are inadequately represented in the services or in the cadre to which promotions have to be made". **(Page 16)**From the above, it is again established that the Department may extend consequential seniority to the Executive Engineers (promoted category) w.e.f the date of notional date of commencement of probation, if the Department have the data to show that the SC / STs are inadequately represented in SE category (promotions have to be made). As a matter of fact, right from the date of inception of ROR in promotions, adequate number of SCs as well as STs are available in the cadre of SE. Hence, extending consequential seniority to the EEs now promoted w.e.f 2002-03 does not arise, as the quantifiable data of SCs / STs in SE category clearly show that there are adequate SCs / STs from 2002-03 to 2006-07.When the above Judgment of Hon'ble High Court dated 18-09-2009 was challenged before Hon'ble Apex Court, it was disposed of by order dated 26-04-2010 by Apex Court Spl (C) No.30143 of 2009 based upon the undertaking given by the concerned State to collect quantifiable data with regard to SC / ST employees **(Page 385)**

		Hon'ble High Court of AP (combined State) in its judgment dated 29-11-2018 in WP No.9456 of 2018 have held that "Be it noted that in terms of this exercise, the organization would have to quantify the data as to the adequacy of representation of these reservation categories in the promotional posts; assess the effect upon the efficiency of administration if such reservation is provided; examine the issue of creamy-layer as laid down in M.NAGARAJ2 and JARNAIL SINGH1; apart from the other parameters which have been left untouched in M.NAGARAJ2, and thereafter confer the benefit of reservation in promotions with or without consequential seniority, as warranted". **(Page 3)**It was further held therein that "The writ petition is accordingly disposed of directing the petitioners to abide by the edict of the Supreme Court as set out supra and review the promotions made after the filing of the O.A. and the consequential seniority, if already granted, after giving due opportunity of hearing to all parties concerned in the light of the afore stated parameters". **(Para 4)**From the above, it can be ascertained that the consequential seniority is not automatic and there exists a situation where promotions can be affected by following the reservation in promotions even without extending consequential seniority. Further, much emphasis is to be given to the words put forward by Hon'ble Court as "if warranted". It specifically denotes that the Department which is implementing reservations in promotions shall undertake mandatory exercise even while extending consequential seniority. If this part of the Judgment is read with the Judgment dated 18-09-2009 of Hon'ble High Court of Himachal Pradesh, it is abundantly clear that the issue of extending consequential seniority to the accelerated promotees is conditional and not automatic and necessity / need for extending consequential seniority must exist for enabling the Dept to extend consequential seniority.
		Furthermore, in the above Judgment, Hon'ble court have categorically directed the Respondents to review, not only the promotions, but also the consequential seniority, if already granted. It is further informed that promotion to the EE category will be made based on the seniority list of DEEs. Similarly seniority in the promoted category i.e., EE is meant for promotion to the post of SE. Hence, while fixing the seniority in the promoted category (i.e., EE), the need / necessity for granting consequential seniority will automatically dependent on the adequacy of the SC / ST employees in the next higher category to which promotions have to be made (ie., SE). It is made clear that even after insertion of "with consequential seniority" in Article-16(4A), the State can provide neither reservations in promotions nor can grant consequential seniority beyond the substantive limits prescribed under the law enacted in any particular State by invoking Article-16(4A). That is the reason why Hon'ble Apex Court have, aright, cautioned the States as "even if the State has the said compelling reasons, the State will have to see that its reservation provision does not lead to excessiveness".In view of the above, it is abundantly clear that the consequential seniority is also subject to inadequacy of SCs / STs . Further, GO Ms No.26 dated 20-02-2009 was issued for enabling the consequential seniority to the reserved category promotees and it does not prescribe any methodology for preparation of a panel, as was in case of several GOs issued by the Govt from time to time.

		However, as a matter of fact, Hon'ble High Court in its Judgment dated 11-12-2018 in WP No.4415 of 2016 & Batch, have unconditionally asserted that "Even though GO 26 was issued after M.Nagaraj, there was no direction by the State to undertake the exercise as mandated thereby on an individual cadre basis". This emphatical assertion of Hon'ble Court obligates the Department to undertake the mandatory exercise on an individual cadre basis to extend the consequential seniority in the feeder category, if warranted.In view of the above elaborated clarifications and as well as the binding edicts of Hon'ble Courts, the consequential seniority can be extended to the accelerated promotees in EE category, if there is inadequacy in the cadre of SE and if the judgment rendered in BK Pavitra-II is interpreted to the present situation, consequential seniority is to be granted to the accelerated promotees in EE category to ensure adequate representation of SCs / STs in SE category to the extent of 15% and 6% respectively. However, in (R&B) Department, adequate number of SC /ST employees are already available in the EE category before 2002-03 and as per their date of retirement, they are adequately enough to meet the inadequacy, if any arises in SE category for the panel years from 2002-03 to 2006-07. As such, extending consequential seniority to the accelerated promotees in EEs promoted w.e.f 2002-03 onwards does not arise, as there is no such situation where if consequential seniority is not extended to the reserved category EEs promoted from 2002-03 onwards, there will be under representation of SC / STs in SE category. As such, after making such exercise, the consequential seniority was not extended to the accelerated promotees in the category of EE.
		Further, ROR in promotions in favour of SCs / STs was incepted in State of AP in the year 2003, i.e., after the Constitution (Eighty Fifth Amendment) Act, 2001 and orders to that effect were issued vide GO Ms No.5 dated 14-02-2003.In preamble of the said GO, at Para-1, the amended Article-16(4A) was explicitly extracted which contains the said phrase "with consequential seniority". Further, at Para-2 of the said GO, the objective of the said amendment was specifically alluded as extracted below:"2. The said Amendment to the Constitution has been made with an objective of making a provision for reservation in matter of promotion ***with consequential seniority*** to any class or classes of posts in the services under the State in favour of Scheduled Castes and Scheduled Tribes which in the opinion of the State, are not adequately represented in the service under the State". In spite of so, the then Government of AP while passing orders, have issued instructions for implementation of reservations in promotions in favour of SC / ST employees of orders alone, but no such instructions were issued for conferring consequential seniority to such accelerated promotees.From the above, it is evident that it never been the opinion of the then Government to extend consequential seniority to the accelerated promotees and they have decided to grant promotions only.
		However, in the year 2009, the Government of AP have issued executive order vide GO Ms No.26 dated 20-02-2009 in enabling consequential seniority to the accelerated promotees. As such, from 14-02-2003 to 20-02-2009, there is no such orders which extends consequential seniority to the reserved category promotees.As such, in absence of a provision for consequential to the accelerated promotees in the relevant service rules, the accelerated promotees who were considered for promotion against a roster meant for them by surpassing certain general / reserved seniors, are not automatically entitled for consequential seniority with effect from the notional date of commencement of probation so arrived in the year-wise panels approved by the Government vide GO Ms No.33 dated 12-05-2023.Further in view of the binding addicts of Hon'ble Supreme Court in the following cases, there must be a provision for extending consequential seniority to the reserved category promotees and otherwise, they are not entitled for consequential seniority automatically:

		1) Suraj Bhan Meena & Anr vs State Of Rajasthan & Ors on 07-12-2010 2) U.P.Power Corp.Ltd vs Rajesh Kumar & Ors on 27-04-2012 3) Panneer Selvam & Ors Vs State of Tamilnadu on 27-08-2015 4) B.K.Pavitra & Ors vs Union Of India & Ors on 09-02-2017 5) Jarnail Singh vs Lachhmi Narain Gupta on 26-09-2018 6) B.K. Pavitra vs Union of India on 10-05-2019 7) Pravakar Mallick vs State of Orissa on 17-04-2020
		In view of the above, in absence of any provision for consequential seniority in State rules, the accelerated EEs promoted against a roster are not entitled to consequential seniority and hence, reckoning their seniority on par with the seniority assigned to his immediate senior is not in violation of law. Hence, this objections is ignored.
		5) The advisory committee constituted in Telangana under chairmanship of Sri Rahul bojja, IAS has observed that the promotions effected in Govt of Telangana were in strict accordance with the provisions of the existing laws and rules in the State. (Para-25). The Advisory committee has also mentioned in their report that the issue of consequential seniority had been raised earlier too and a committee of officers under the chairmanship of Sri Ashutosh Misra, IAs had been constituted to study the issue and the said committee has undertook a detailed study and recommended that the existing provisions of Rule-33(a) and 33(b) are adequately ensuring the consequential seniority and felt that there is no need to amend further the APS&SS rules, 1996.
		Reply: The applicant has not enclosed any of such documents in support of his above claim that the said Advisory Committee, Telangana has opined that the promotions affected in Telangana were in strict accordance with the rule and laws. The further averment that the said Advisory Committee has alluded the Ashutosh Misra, IAS committee report in their recommendations was also not substantiated by way of producing any documentary evidence. As a matter of fact, there is no such documentary evidence to the effect that the Ashutosh Misra, IAS committee recommendations were accepted and approved by the Government at any point of time. This point gets importance as Hon'ble High Court in WP No.10128/2020 has specifically directed the Government to place the record which establishes that the Empowered Committee recommendations were accepted by the Government (Respondents) vide its interim orders dated 24-03-2022 and the Government filed an additional affidavit to that extent in WP No.10128/2020. Hence, recommendations of any Committee are not binding upon the concerned Authority unless they were accepted by him and requisite orders to that effect are passed by him. Moreover, it cannot be ignored that the said recommendation of Sri Ashutosh Misra, IAS committee were subsequently negatived by the learned Advocate General, AP vide his opinion dated 26-11-2019, based on the Judgment dated 27-08-2015 of the Hon'ble Apex Court. **Hence, in absence of any documentary evidence produced by the applicants, this objection is ignored.**
		6) The sub committee recommendations to prepare year wise panels from 2002-03 to 2006-07 and the acceptance by the CE(R&B) Admn Telangana without approval of the Govt of Telangana state is totally illegal and out of his jurisdiction and has no sanctity to recommend review the year wise panels to E-in-C(AP) since the recommendations made by the sub committee copied from Memo No.73/Cabinet, dated 24-07-2021 and Memo No.1356 dated 22-07-2021 which is applicable to Telangana Secretariat employees only and are not applicable to AP State.

		Reply: The administrative sub-committee of officers / staff pertaining to both the States, consisting of Deputy Engineer-in-Chief(R&B) Admn, NTPA and Superintendent concerned, was formed with the following tasks: (i) preparation of seniority lists in all the Engineering Cadres and (ii) preparation of long pending year-wise panels of Executive Engineers and next higher cadres up to 02-06-2014. The above sub-committee is constituted to assist the concerned Head of Department and it is also true that the said recommendations of the sub-committee are not binding on the concerned Heads of Departments. But, when the Department is preparing year-wise panels right from 1994-95 to till to date, the data regarding expiry of Engineers, individual court cases, removal of Engineers from service, VRS details, vigilance cases etc., is to be ensured while preparing and sending proposals to the Government and in turn to GA Dept. As in some cases, the Department has faced problems with the lack of information and more particularly, where there is a chance of undermining the settled judgments in respect of individual cases, the above sub committee was formed with a view to mitigate such lapses to the maximum extent. Furthermore, after bifurcation of combined state and when the task of preparation of year-wise panels and seniority lists for the contemporary periods, was specifically entrusted to the residual State of AP, there is a bare necessity to complete the above task with the cooperation of the State of Telangana also.
		Further, even though the requisite formats, for purpose of bifurcation of combined State, were initially prepared by the E-in-C(AP), they were communicated to E-in-C(Telangana) also and the combinedly signed formats were submitted to the Kamalnadhan Committee.Keeping in view of the urgency in completing the task of preparation of year-wise panels as well as seniority lists in each and every higher cadre, the above sub-committee has met on 04-05-2023 in the chambers of the Chief Engineer(R&B) Admn & QC and finalized the methodologies for preparation of seniority lists of EE and SE for the period from 2002-03 to 2006-07. However, these recommendations are merely based on either the rule position already precipitated in AP State and Subordinate Service Rules or several Judgments already delivered by Hon'ble Courts. Further, if the CE(R&B) Admn & QC has accepted the said recommendations and recommended to adopt the same, it cannot be faulted with any procedural lapses, unless the said recommendations of the sub-committee runs contrary to either Rules in force at that time or Judgments delivered in this regard. Furthermore, the said recommendations were in toto, incorporated in the circular memo No.7718/VC(Ser)/2023, dated 17-05-2023. However, when the E-in-C(A) has prepared the proposed provisional seniority list of EEs for the period from 2002-03 to 2006-07 to the Government, the Govt vide its Memo dated 17-05-2023 has permitted the E-in-C(A) and CE(Telangana) to place the same in their official website and call for objections. Hence, when the said list was placed in the website with the approval of the Government, the sanctity automatically inherits to it and no procedural lapse can be attributed to the said procedure.
		The applicants on one side, attributes sacrosanctity to the recommendations of Sri Ashutosh Misra, IAS recommendations even though they were never been accepted by the Government of AP till to date and attributing invalidity to the recommendations of sub committee, even though it was accepted by the Government of AP, is merely out of convenience. **Hence, this objection is merely an apprehension and is ignored.**
		7) The CE(Telangana) and E-in-C(AP) are now heading the administration wing and colluded and taking official advantage into their hands and proposed year-wise panels by keeping their names at the top position by pushing down the applicant names with malafide intention

		Reply: Every Engineer appointed in (R&B) Department is entitled to be promoted to the highest post of Engineer-in-Chief(R&B) as per AP (R&B) Engineering Service Rules. Hence, he will be automatically part and parcel of a panel or seniority list in each and every cadre. As such, attributing malafide intentions to an Engineer is bad in service jurisprudence, as the Administration was supposed to be entrusted to an Engineer only and the ministerial staff or the NTPA are supposed to assist him for arriving to a logical conclusion while passing an order. Hence, as long as the Special Rules are in force, this contention that an Engineer, if he is part and parcel of a list, is not eligible or not supposed to prepare list, is impractical as a whole.Furthermore, either the present E-in-C(AP) or the present CE(Telangana) are not parties in any case / litigation pending before any court of law. Further, in terms of Rule-7 of AP State and Subordinate Service Rules the Head of Dept is the appointing authority up to 2nd level gazetted posts and the Government is appointing authority from 3rd level gazetted posts onwards. But, when the task of preparation of a proposed seniority list in the cadres of EE and SE was entrusted to E-in-C(AP) and accordingly he has prepared and sent it to the Government and in turn the Government directs the concerned HoDs of two States to place it in official web site and call for objections, there is no procedural lapse on part of such act.**Hence, this allegation is baseless and is ignored.**
		8) Para-18(i) of circular memo dated 17-05-2023 applicable for them since there was in adequate representation in the cadre of EE and since it was their initial promotion with application of ROR, their position against the respective roster points will never change. As such, the provisional seniority list appended to said memo is against the rule position, which is not tenable.
		Reply: In this objection, the applicants are relying upon the methodology adopted by the Telangana State while reviewing the panels of SO, AS, DS, JS and Addl Sec which is extracted below:(i) When there is no adequate representation to the SCs and STs @ 15% and 6%, respectively, in a cadre, their consequential seniority may be considered and accordingly, they may be included in the panel against their roster points in respective panels, till adequate representation is reached to them.As already explained supra, when an Engineer is promoted as EE, his seniority in that cadre will be prepared and after calling for objections, it will be finalized. The main and ultimate purpose of seniority list in the cadre of EE is for affecting promotions to the next higher post i.e., SE.In view of the above, if any reserve category Engineer is promoted as EE, then the seniority in the cadre of EE is to be prepared, after undertaking the mandatory exercise prescribed in Judgments dated 11-12-2018 and 29-11-2018. If the situation warrants for extending consequential seniority to such accelerated promotee and if there is any provision for extending consequential seniority to such accelerated promotees, they are entitled to count their seniority in the cadre of EE w.e.f the notional date of commencement of probations, so arrived. In absence of such provision in State rules or in absence of such necessity, they are not entitled to count their seniority in the cadre of EE w.e.f the notional date of commencement of probations, so arrived.
		Hence, the directions / methodology envisaged in Para-18(i) of Circular Memo is, indeed misunderstood by the applicants. It categorically ordains to count consequential seniority in the feeder category, when there is no adequate representation of SCs / STs @ 15% and 6% in the category to which promotions are to be made. **In view of the above, there are no merits in the objection, hence ignored.**
		9) Any revision of seniority in the cadre of EE and above, State Govt alone is competent as per General Rules as well as Special Rules, but the provisional seniority lists were issued by E-in-C without having competency and he took shelter of CE(Telangana) by obtaining fraudulent report.

		Reply: This objection is already clarified at Point No.6 of this objections.
		10) The said memo was communicated based on the unlawful stand taken by the Govt of Telangana in Secretariat Service and the said action of the Telangana Govt was challenged before Hon'ble High Court which is pending.
		Reply: It is informed that GO Ms No.5 dated 14-02-2003 and all the subsequent GOs with regard to implementation of ROR in promotions in favour of SC / STs were issued during the combined State period. GO Ms No 26 dated 20-02-2009 conferring consequential seniority to the accelerated promotees was also issued during the combined State period. An IAS officers committee was constituted during the combined State period and it has given its opinion in 2013 that there is no need to amend the statutory rules to the extent of conferring consequential seniority to the accelerated promotees, as Rule-33(a) and 33(b) of General Rule are adequately ensuring consequential seniority. But, the learned AG, AP in his opinion dated 26-11-2019, in categorical terms, has negatived the opinion of the IAS officers committee, as the same is not comprehending the fact situation arising from the roster-point promotions for being granted consequential seniority. Subsequently, another Committee was constituted in Govt of Telangana under chairmanship of Sri Rahul Bojja, IAS and (5) Additional / Joint / Deputy Secretaries. The said Committee has given its opinion, which was not openly available.
		However, the Govt of Telangana, in view of the orders issued in CC No.1798/2019 in WP No.43051/2016 impleading the Chief Secretary, Telangana as the contemnor, the Advocate General of Telangana has sought 45 days time from the Court to comply with the orders dated 11-12-2018 of High Court and accordingly, the panels of SOs, AS, DS, JS and Addl Sec in Secretariat of Telangana w.e.f 02-06-2014 were reviewed and objections were called for. After attending to the objections so received, the Govt of Telangana has approved the review panels vide GO Ms No.246 GA(SU-I) Dept, dated 27-08-2021. As such, the revision of panels of Secretarial cadres is not still under provisional stage but they were finalized and a GO was issued to that extent.It is relevant to mention that the GOs with regard to implementation of ROR in promotions in favour of SC / ST employees, the GO which has conferred consequential seniority were issued during the combined State period and the same are being implemented in Govt of Telangana also even after 02-06-2014. Since the formation of Telangana itself is w.e.f 02-06-2014, the Govt has no authority to review any panel prior to formation of Telangana. Hence, the Govt of Telangana has reviewed the panels from 02-06-2014. But, the explicit direction from Judgment dated 11-12-2018 stipulates to review promotions issued while implementing ROR in promotions since institution of OA No.6563 of 2011.

		Further, the Judgment dated 11-12-2018 has defined the content and objective of GO Ms No.5 dated 14-02-2003 and GO Ms No.26 dated 20-02-2009 and stipulated to read down and understand them in the context of the constitutional scheme of Article 16(4A), as spelt out in clear terms by the Supreme Court in M.NAGARAJ. Further, learned AG, AP in his opinion has also opined to comply with the directions contained therein in the context of the findings of the High Court about GO Ms No.5 and GO Ms No.26. As such these GOs are to be invariably understood and implemented in the context of the finding of those GOs by the High Court. In view of the above, even the Govt of Telangana cannot have any other option but to adopt the same analogy, which is similar to that of residual State of AP. The residual State of AP is also binding with the above dictum. However, keeping in view of the peculiarity prevailed in (R&B) Dept wherein no panels of EE, SE, CE & E-in-C were conducted w.e.f 2002-03 onwards, the question of revision of panels w.e.f 01-09-2011 does not arise. But, the State is obliged to implement either GO MS No.5 or GO MS No.26 in strict accordance with the findings of the High Court about GO Ms No.5 and GO Ms No.26. It is also relevant to mention that during the process of revision of panels of Secretariat cadres in Govt of Telangana, certain reserved category employees have approached Hon'ble High Court, Telangana vide WP No.18931 of 2021 & Batch. But, Hon'ble High Court, on 01-09-2021 have dismissed the above WPs on two grounds as detailed below:
		1) 19.....A fair reading of the impugned proceedings do not indicate that it is in violation of any constitutional rights conferred upon the petitioners, since it is only a case of promotion and not a case of employment under Scheduled Caste and Scheduled Tribe categories. 2) 20……the writ petitions filed are premature as they have been filed against the impugned proceedings, which have not attained finality. This Court is not inclined to grant relief to the petitioners. It is not open for the petitioners to challenge the impugned notice having accepted it and filed their objections and the matter is pending before the authorities for final decision. It is not proper for this Court to interfere with the administration of the respondents and not allowing them to take a final decision in preparing seniority list. It cannot be presumed that the official respondents would ignore the judgments of Apex Court, committee reports and objections of the petitioners and would pass a biased order. A fair opportunity has to be given to the respondents to perform their administrative functions.Subsequently, after receipt of objections from the concerned, the Govt of Telangana have approved the review panels vide GO Ms No.246 GA(SU-I) Dept, dated 27-08-2021. As such, the above revision process is deemed to have withhold the legal scrutiny and holds good, till it is altered by any higher court and cannot said to be illegal under any stretch of imagination. **Hence, this objection is ignored.**
6	**General Secretary, AP SC & ST Gazetted Officers Welfare Association dated 30-05-2023**	**1) When the consequential seniority is in force, and since the catch up rule was nullified by the parliament of India through 85th amendment, whether the committee can review panels based on initial cadre seniority / catch up rule principle ?**

		Reply: The rule position, as well as the legal position which governs the issue of extending consequential seniority to the accelerated promotees was, in detail, discussed in the Circular Memo dated 17-05-2023.When WP(C) No.6781 of 2008 & Batch was filed before Hon'ble High Court of Cuttack, the following question was taken up for consideration by Hon'ble bench apart from other related issues:(i) Whether the 'catch up principle' evolved by the Hon'ble Apex Court still governs the field after theconstitution 85th Amendment and whether the judgment of the Apex Court in the case of M.Nagaraj (supra) that upheld the validity of the constitutional amendment has given a go bye to the'catch up rule' ?In this regard, Hon'ble High Court of Cuttack in its Judgment dated 24-12-2010 have held as follows:"It is apparent from the observation of the Apex Court in the above quoted paragraph (italicised) that the 'catch up rule' still governs the field being law of the land unless and until the appropriate Government enacts law providing for reservation keeping in mind the parameters in Article 16(4) and (4-A). Therefore, though M. Nagaraj (supra) upheld the validity of the constitutional amendment, it has not overruled or given a go-bye to the 'catch up rule'. The Constitution 85th Amendment does not by itself confer the additional benefit of consequential seniority on the S.C. and S.T. candidates in the promotional post for their accelerated promotion against reserved posts/roster points since clause (4-A) of Article 16 is merely enabling in nature".
		When the above Judgment was challenged before Hon'ble Supreme Court, Hon'ble Apex Court in its Judgment dated 17-04-2020 in CA No.3240 of 2011 has held as follows:
		11. It is clear from the material placed on record that the seniority for general category officers was restored in the Gradation List of OAS-I(JB) which was prepared on 16.05.2001, by extending the benefit of Catch Up Rule. 12…..it is to be noticed that after Constitution (Eighty-Fifth) Amendment Act, 2001, amending Article 16(4A) of the Constitution which enabled the State to extend the benefit of promotion with consequential seniority by examining the adequacy of representation to scheduled castes and scheduled tribes in the State services, the State of Orissa has not made any provision, either by way of legislation or by an executive order, to extend such benefit in the Class-I Services. The advocate for State (8 1992 Supp. (3) SCC 217 9 2019 SCC On Line SC 694 C.A.Nos.3240 of 2011 etc.) specifically admitted that the Govt. has not issued any executive order or has passed any legislation. The Government Resolution dated 20.03.2002 is issued merely based on the instructions issued by the Government of India, without examining the adequacy of representation in posts. As is evident from the order of the High Court, the State in its counter affidavit has taken the stand that there is no necessity for bringing out any law to extend the benefit of seniority for those who are promoted in reserved vacancies. Government Resolution dated 20.03.2002 can neither be termed as law made in exercise of enabling power of the State under Article 16(4A), nor does it satisfy the parameters laid down in the various decisions of this Court. The Resolution has no legal basis.

		The Seniority/Gradation List dated 16.05.2001 of OAS-I (JB) was prepared correctly by following the ratio laid down by this Court and in absence of any law or decision by way of executive order based on acceptable material for conferring additional benefit of consequential seniority, the Gradation List dated 03.03.2008 was prepared by altering the positions which were maintained in the List dated 16.05.2001.It is to further state that Hon'ble High Court of Telangana in its Circular ROC No.1311/2019-C1, dated 03-10-2020, have enunciated that "while fixing the inter-se-seniority of the Judicial employees pertaining to Telangana Judicial Ministerial and Subordinate Service, in the absence of any legislation made by the State Government permitting conferment of consequential seniority to persons belonging to SC/ST community, all the Principal District Judges/Unit Heads in the State were informed to implement the 'catch-up' rule, in view of the decision of the Supreme Court dated 17-04-2020".Furthermore, the statement that the Catch-up rule was nullified by 85th constitutional amendment was also not correct. Hon'ble Apex Court have upheld the constitutional validity of several constitutional amendments subject to certain limitations in the following terms:There are numerous petitions pending in this Court in which reservations made under State enactments have been challenged as excessive. The extent of reservation has to be decided on facts of each case. The judgment in Indra Sawhney5 does not deal with constitutional amendments. In our present judgment, we are upholding the validity of the constitutional amendments subject to the limitations. **(Page 411)**
		Therefore, upholding of constitutional amendments is conditional and the enabling provision made under Article-16(4A) is valid as long as the boundaries / limitations contained in Article-16(4) are retained in Article-16(4A) as controlling factors. This was the actual intent of Hon'ble Apex Court in M.NAGARAJ (2006).Furthermore, even after deliverance of M.NAGARAJ, Hon'ble Apex Court in the following cases have directed the concerned States to implement Catch-up rule:1) Panneer Selvam & Ors Vs State of Tamilnadu & Ors on 27-08-20152) B.K.Pavitra_&_Ors_vs_Union_Of_India_&_Ors_on_9_February,_20173) Pravakar_Mallick_vs_State_Of_Orissa_on_17_April_2020
		Further, Hon'ble High Court of Telangana in its Circular ROC No.1311/2019-C1, dated 03-10-2020, have enunciated that "while fixing the inter-se-seniority of the Judicial employees pertaining to Telangana Judicial Ministerial and Subordinate Service, in the absence of any legislation made by the State Government permitting conferment of consequential seniority to persons belonging to SC/ST community, all the Principal District Judges/Unit Heads in the State were informed to implement the 'catch-up' rule, in view of the decision of the Supreme Court dated 17-04-2020".
		In view of the above, in absence of any provision made either through executive order or through legislation / law by the State of AP during the period from 14-02-2003 to 20-02-2009, the accelerated promotees are not entitled for consequential seniority w.e.f the notional date of commencement of probation, so arrived in the GO Ms No.33 dated 12-05-2023. **Hence, there are no merits in this objection and ignored.**
7	**K.Seshu Kumar, I/c CE dated 29-05-2023**	**1) He is direct recruit DEE. The integrated seniority list of DEEs was not as per Rules. Aggrieved by this, he has filed WP No.19988 of 2020 and Hon'ble high Court has given interim direction to the respondents not to demote the petitioner from his existing post till disposal of writ petition. Hence, fixing seniority in higher cadres without reviewing his integrated seniority at DEE level will cause gross injustice to him.**

		Reply: It is true that the applicant has filed WP No.19988/2020, but there are no interim orders on the merit of the case. However, when the applicant has filed IA No.01/2023 with a request as not to to take any coercive steps against the petitioner either by way of reversing / altering the position of the petitioner as chief Engineer(CE) in (R&B) Department, pending disposal of WP 19988 of 2020. However, Hon'ble High Court in its interim orders dated 24-04-2023, have ordered as follows: "Hence, there shall be an interim direction to the respondents here in not to demote the petitioner from the existing post till the disposal of the writ Petition". The present placement of the applicant in the cadre of EE is based on the finalized seniority list of DEEs dated 20-02-2019 and that placement is subject to outcome of WP No.19988/2020. **Hence, no further action is required on this objection at this juncture and hence, it is ignored**.
8	**M.Siva Kumar, SE dated 29-05-2023**	**1) The sub committee constituted has no locus standi and has no power to overrule the opinion of AG, AP and Govt of AP orders. The revision of panels conducted in Secretariat, Telangana was trusted upon by the E-in-C(AP) on AP Employees now for more than a decade old panels from 2002-03 to 2006-07 without approval of AG, AP.**
		Reply: The role of the Sub Committee of administrative officers / staff was already explained in detail at Point No.1 of Objection-2 (Sri P.Murali Mohan).
		In so far as the opinion rendered by AG, AP is concerned, it is submitted that the said sub committee have gone through the opinion rendered by AG, AP and incorporated the crucial opinion rendered by the AG, AP in its recommendations which is extracted below:It is to be noted that the enablement of roster-point promotions, introduced in GO.Ms. No.5 dt 14.2.2003, is statutorily recognized by way of amendment to Rule-22 of the AP State and Subordinate Rules, vide GO Ms No.123 dt 19.4.2003. However, the issue of consequential seniority to be conferred on the promotes, consequent to such appointment was not enabled in the year 2003. An Executive GO was issued in GO Ms No.26 dt 20.02.2009 enabling conferment of consequential seniority to roster point promotes, in pursuance of its introduction vide GO Ms No.5 dt 14.2.2003.Furthermore, the earlier E-in-C(AP) while preparing year-wise panels of EEs, SEs, CEs and E-in-Cs up to 2018-19, have also not extended consequential seniority to the accelerated promotees up to 2008-09. But, none of the reserved category Engineers have not objected to them till to date. Even though Smt N.Madhavi Sukanya has impleaded in WP No.10128/2020 as 5th respondent, she is completely silent on this aspect of extending consequential seniority for the period from 2003 to 2009. **In view of the above, the claim of the applicant that the sub committee has over ruled the opinion of AG,AP is merely misapprehension.**
		2) Promotions are to be made to next higher category based on the length of service in the feeder category which forms the basis for seniority in the feeder category. The SC / ST Engineers got promoted to next higher category, he will get seniority by virtue of his position in that panel year and get his promotion as general candidate to the next higher category. Applying the Telangana Govt orders is also dubious.

		Reply: Right from the landmark Judgment of the Hon'ble Supreme Court in Indra Sahany Vs. Union of India in 1992 Supp (3) SCC 217 = 1993 SC 477 and up to the latest one i.e., Mukesh Kumar & Anr Vs The State of Uttarakhand & Ors in Civil Appeal No. 1226 of 2020 arising out of S.L.P. (Civil) No. 23701 of 2019, it is abundantly clear that Article 16 (4) is merely an enabling provision and there is no fundamental right which inheres in an individual pertaining to SC / ST category, to claim reservation in promotions as a matter of right.
		In so far inclusion of any employee in a panel is concerned, it is submitted that in terms of Rule-5 of AP State and Subordinate Service Rules, 1996, "all first appointments to a State Service and all promotions / appointment by transfer in that service shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal, by the appointing authority as specified in sub-rule (a) of rule 6 from the panel of candidates. Such panel shall be prepared as laid down in rule 6 by the appointing authority or any other authority empowered in this behalf"
		However, as per the prevailing Rules in force, the inter-se seniority of the employees in the initial recruited cadre will be made as per the "order of merit / ranking assigned" by the selecting Agency. However, in the process of promotion, with application of Rule of Reservation (in short "ROR") in promotions, a reserved employee will be considered for inclusion in a panel for promotion without judging the principle of "merit-cum-seniority" in the lower grade, as it will be done only applying principle of reservation and will be merely based on the prescribed roster. While doing so, to cope up with the adequate representation of those categories in promotional posts, reserved employees will be included in a panel subject to the conditions that (a) the persons to be considered must possess the requisite qualifications, and (b) they should have a satisfactory record of service. Thereafter the said roster has been fixed in different higher category of posts for their accelerated promotions. In this background, while considering them for promotion to the general category vacancies in roster in still higher category posts, the fact that they had been promoted earlier on basis of the policy of reservation and applying the roster system cannot be overlooked.
		It is also trite that for promotion of a member of SC / ST against the roster reserved for him, the primary question to be considered is as to whether be belongs to a class for whom reservation has been made. But for being considered for promotion against a general roster, merit is the only primary consideration because, the employee is to enter into the service or grade of service through merit channel. As such, for inclusion of a SC / ST employee against a general roster in still higher category post, the reserved employee has to ineluctably compete with the general senior by all means. As a whole, a SC / ST employee promoted against a roster shall form a separate class and will still remains to be a reserved candidate, since if in the still higher post, against a roster meant for SC / ST, he is to be considered for promotion under reserved category, if inadequacy persists in that category.
		It is also pertinent to mention here that Hon'ble Supreme Court in Ajit Singh-II have enunciated that the view expressed in Jaswant Singh vs. The Secretary to Govt. of Punjab that "non consideration of SC / ST candidates against general category posts on basis of their prior promotion, will be hit by Articles 14, 15 and 16 of the Constitution" is inconsistent with its earlier pronouncements in Indra Sawhney vs Union of India, 1992 Supp.(3) SCC 217 as well as R.K.Sabharwal vs. State of Punjab, (1995) 2 SCC 745 and reversed that part of the judgment of Jaswant Singh.

		The primary purpose of Article 16(4) and Article 16(4A) is due representation of certain classes in certain posts. However, it must be bear in mind and not to ignore that there are other provisions, namely, Articles 14, 16(1) and Article 335 of the Constitution which are also very important. The Constitution has laid down the permissible limits of affirmative action by way of reservation under Articles 16(4A) in Articles 14 and 16(1). While permitting reservations at the same time, it has also placed certain limitations by way of Articles 14 and 16(1) so that there is no reverse discrimination. It has also incorporated Article 335 so that the efficiency of administration is not jeopardized.
		If the promotion is to be made as per Rule-5 of AP State and Subordinate Service Rules, 1996, the eligible seniors at the basic level as per seniority fixed at that level and who are within the zone of consideration must be first considered for promotion and be promoted if found suitable. In the promoted category, they would have to count their seniority from the date of such promotion because "they get promotion through a process of equal opportunity". That is how right to be considered for promotion and the `seniority' attached to such promotion become important facets of the fundamental right guaranteed in Article 16(1). However, the employees who are treated as "separate class" as a whole and the employees who are promoted as per merit and seniority cannot be equated in a particular category of post, since they have not got promoted to that post through a process of equal opportunity. Hence, the general rule of seniority i.e., counting the seniority from the date of such promotion cannot be made applicable to that "separate class" employees, since it infringes the mandate of Article-16(1).
		This principle was reiterated in Hon'ble Supreme Court Judgment in Post Graduate Institute of Medical Education and Research vs. Faculty Association 1998 (4) SCC 1, as shown below: "The doctrine of equality of opportunity in clause (1) of Article 16 is to be reconciled in favour of backward classes under clause (4) of Article 16 in such a manner that the latter while serving the cause of backward classes shall not unreasonably encroach upon the field of equality".
		In view of the above, a reserved category promotees will still remain to be a reserved category promotee even if he was considered for promotion as per his turn in the feeder category seniority. This point gets importance as the Rule-22(2)(a)(i)(C) stipulates as "Filling up the roster points shall continue till the required percentage of Scheduled Caste and Scheduled Tribe candidates is obtained. Once the required percentage is obtained by taking into account both the Scheduled Caste and Scheduled Tribe candidates who are found in the list of candidates fit for promotion on account of their seniority in the feeder category and those who are moved up to fill up the required roster point, further adjustment of Scheduled Caste and Scheduled Tribe employees against roster point has to be stopped."
		As such, the claim of the applicant that the reserved category promotees are to be treated as "GENERAL" is without backing of any rule. Hence, is ignored.
		3) The E-in-C(AP) has prepared provisional seniority list for the year from 2002-03 to 2006-07 as a single list which is against AP State and Subordinate Service Rules, 1996, which says that every year panels are to be prepared from 1st September of the year to 31st August of next year. By this act, he has denied the SC ST employees the seniority that accrues by virtue of inclusion of them in that particular year as per rules.

		Reply: The rule alluded by the applicant stipulates for preparation of a panel, which is to be prepared in terms of Rule-5, on 1st September of every year. Further, the terminology used in Rule-6 further stipulates that a panel is to be prepared for the eligible candidates every year in the month of September and this was a statutory duty cast upon the State. The exercise was required to be conducted each year. Thereafter, only promotion orders were to be issued.
		But, as a matter of fact, the above Rule does not talk about seniority at all. Mere inclusion of any Engineer in a panel does not entitle him for seniority with regard to his position in the said panel. That panel is to be got operated and the said Engineer is to be actually promoted and joined in the promoted category. As per the exceptions already explained above for counting his seniority from the date of initial appointment in that category, his seniority will be fixed in terms of Rule-33 to 36 of General Rules read with the executive orders issued vide GO Ms No.26 dated 20-02-2009 after undertaking the mandatory exercise prescribed by Hon'ble Supreme court in M.NAGARAJ read with JARNIAL SINGH.
		In view of the above, the claim of the applicant that the seniority is to be prepared year-wise is merely misinterpretation of rules in force and moreover mis-adverting of Rule-6 to the concept of seniority. Hence, this objection is ignored.
		4) Column no.6 in the Annexure appended to reference 1st cited, shows the individual have been given notional dates of promotion is totally surprising to see as the dates beginning from 2002 onwards are totally wrong and also contrary to rules.
		Reply: This objection is obviously on the contents of GO Ms No.33 T(R&B) dept, dated 12-05-2023. At column No.6, the notional date of promotion for each EE included in that panel year were shown and in fact, they were distinct.
		In this connection, it is to inform that earlier, when the year-wise panels were approved in the year 2012 (based on the set aside integrated seniority list of DEEs dated 04-08-2011), the notional date of promotion to each EE promoted in that panel year was given as 01-09-2002, 01-09-2003 etc., But, in fact, these notional dates are contrary to rules.
		As already explained above, each panel is to be prepared and approved as per the rule prevailing as on 1st September of that year and the vacancies in that panel year are also to be confined to 1st September of that year to 31st august of next year. Further the vacancies in any panel year do not arise as on 1st September itself. Only panel will be prepared as on 1st September and actually, appointments / promotion orders will be issued only after vacancy arose in that panel year due to promotion of present incumbent or retirement / expiry of present incumbent. Hence, giving 01-09-2002 and 01-09-2003 etc. to all the candidates included in any particular panel year is merely absurd. Moreover it will lead to unnecessary expenditure to government exchequer as the said promoted person will claim not only pay fixation w.e.f such notional date, but it will counter for automatic advancement in that category, minimum service to be rendered for promotion to next higher category etc.,
		In view of the above, this objection do not have any merits and hence set aside.
		5) His seniority in the cadre of DEE is to be fixed in accordance with GO Ms No.174 dated 10-08-1999 and inter-se seniority of direct recruit DEEs is to be fixed as was done in case of 1982 and 1986 DR DEEs batches.
		Reply: This issue was already settled vide Judgment dated 13-10-2017 of Hon'ble AP Administrative Tribunal and several Writ Petitions were filed in this regard which are still pending before Hon'ble High court. In absence of any orders in this regard, the seniority of DEEs issued vide GO Ms No.20 dated 20-02-2019 will prevail.
		Hence, this objection is ignored.

		6) There is no enabling provision for the period earlier to the bifurcation of Telangana state and AP State. The details attained finality cannot be modified now without approval of both the states. The power to exercise for preparing the lists since 02-06-2014 can execute with regard to the panel years from 2014-2015 onwards. Hence, the panel and seniority lists are invalid and contrary to provisions of reorganization Act 2014.
		Reply: It is to inform that while notifying the Kamalnadhan committee guidelines, it was stipulated that the seniority lists which were in dispute as on 02-06-2014, will be utilized for purpose of bifurcation only and no employee, enlisted in that disputed seniority list can, as a matter of right, claim that seniority.
		Further, there was no seniority list as on 02-06-2014 in any cadre except AEE / AE in (R&B) Department. The seniority list of DEEs dated 04-08-2011 was set aside by Hon'ble APAT on 11-12-2013. The revised seniority list of DEEs for the period from 01-01-1988 to 2001-02 was prepared and finalized on 11-02-2016. Hence, there was no seniority list based on which any Engineer can seek vested right. As such, the claim of the applicant that the "details attained finality cannot be modified now" is merely misrepresentation of facts. The present act of preparation of year-wise panels of EE and above cadres is in strict accordance with the directions of Judgment dated 11-12-2013 in OA no.1614/2012 & Batch, Judgement dated 11-12-2013 of Hon'ble APAT in OA No.4056/2012, Interim orders dated 06-01-2022 of hon'ble high Court in WP No.10128/2020.
		In view of the above, the above objection has no merits and is ignored.
		7) As per Para-3 of GO Ms No.33 dated 12-05-2023, the sub committee of the State of Telangana has recommended for include the names of differed / passed over etc., in the panels fit for promotion on notional basis has been adopted is absolutely wrong and not in consonance with the State affairs and the recommendations relate to the State of Telangana will not apply to the residuary state of AP administrative affairs. therefore dispute in question needs to be reexamined and to make the list strictly as per Rule 33-36 of above rules.
		Reply: This objection relates to recommendations of the Screening Committee which has met on 26-04-2023 and recommended for inclusion of names of DEEs fit for promotion as EEs for the panel years from 2002-03 t 2006-07. The applicant is apprehending that the administrative sub committee constituted by the both States and the Screening Committee which has recommended the names of DEEs fit for promotion as EEs is one and the same.
		Hence, this objection is ignored.
		8) As per the Judgment dated 11-12-2018 in WP No.4415/2016 & Batch, the promotions already made while following ROR in promotions prior to 2011 shall not be distributed. In accordance with the above ruling, he is entitled to the benefit of ROR as he was within the period of 2011 and got eligibility way back in the year 2002-2003.
		Reply: In this connection, it is to inform that absolutely, no panels in the cadre of EE were conducted w.e.f 2002-03 onwards in (R&B) Department and the panels that were prepared by the then Govt (based on the set aside seniority list of DEEs dated 04-08-2011) are not in existence as of now. Hence, the in-charge arrangements made or any adhoc panels prepared, even in respect of any other Engineer (without preparing year-wise panels for the previous periods) will not precipitate any vested interests in respect of either the applicant or the other Engineers.

		Therefore this objection is ignored.
9	**P.C.Ramesh Kumar, I/c CE dated 31-05-2023**	**1) The seniority list of DEEs confirmed vide GO Ms No.20 dated 20-02-2019 is not correct. Hence, the seniority list of EEs now prepared also bad. He has approached Hon'ble High Court in WP no.34179/2018 which is pending.**
		Reply: As already explained above, this objection relates to the inter-se seniority of direct recruit DEEs of 1993 batch. The zone-wise seniority list of DEEs from 01-01-1988 to 2001-02 (which includes the inter-se seniority of 1993 batch) was finalized on 02-11-2015. The integrated seniority list of DEEs for the above period was finalized on 11-02-2016. the Applicant has filed OA No.1292 of 2016 in Hon'ble AP Administrative Tribunal. hon'ble tribunal in its judgment dated 13-10-2017 have dismissed OA No.1292/2012. Subsequently the applicant has filed WP No.34179 of 2018 in Hon'ble AP High Court which is still pending for adjudication.
		In view of the above, as long as there are no directions from Hon'ble HC on above WP, GO Ms No.20 dated 20-02-2019 will hold the field and year-wise panels of EEs are to be invariably prepared based on GO 20. Hence, this objection is ignored.
10	**V.Uma Maheswara Reddy, I/c SE dated 29-05-2023**	**1) The procedures followed in the seniority lists for the years 2002-03 to 2006-07 in respect of its feeder cadres i.e., AEEs / AEs/ DMan's is not adopted for the provisional seniority of EEs though the orders and rules are similar for both the cadres.**
		Reply: The seniority list of DEEs for the years from 2002-03 to 2010-11 was prepared and communicated to all the concerned Engineers initially on 19-12-2015. however, the same could not be finalized, as interim orders were issued by Hon'ble APAT on first phase of DEEs list i.e., from 01-01-1988 to 2001-02. however, these hurdles were cleared by dismissing all the OAs pending before Hon'ble APAT by 13-10-2017. But, the status quo orders of Hon'ble Apex Court are in the way of finalization of seniority list of DEEs, which was subsequently dismissed by Hon'ble Apex Court as withdrawn.
		The entire process of finalization of seniority list of DEEs was completed by November'2018 and the Judgment of Hon'ble High court was delivered on 11-12-2018. As such, certain promotee DEEs have challenged the seniority list of DEEs from the years 2002-03 to 2010-11 before Hon'ble high court on the above aspect vide WP No.38973 of 2022, which is still pending.
		This objection is to adopt the same methodology to DEEs seniority list also, but not an objection on EEs seniority list and hence ignored.
11	**L.Sreenivasa Reddy, I/c CE dated 31-05-2023**	**1) Since panel of EEs for the year 2002-03 was not prepared earlier, rule of reservation in promotions in favour of SC / ST can be implementd. But, in terms of Rule-6(b) of General Rules, the rule as on 01-09-2002 is applicable for all the vacancies from 01-09-2002 to 31-08-2003. The statutory amendments made to General Rules were made applicable from 14-02-2003 and hence, the extended zone of consideration in favour of SC /STs shall be applicable from 2003-04 onwards. This is the settled law asseverated in YV Rangaiah Vs J.Sreenivasa Rao case. The above methodology was even followed while approving SO panel for the year 2009-2010.**
		Reply: This objection is on inclusion of reserved category promotees in the panel year 2002-03 while extending unlimited zone of consideration. But, the applicant has not objected the provisional seniority list of EEs. **Hence, this objection is, in so far as seniority of EEs is concerned, ignored.**

12	**M.V.Nirmala, SE , Guntur dt 31-05-2023**	**1) She was direct recruit DEE of 1993 batch. As per Presidential order, under third schedule, the AEE post is at Sl No.42 and DEE post is at Sl No.43 and are Zonal posts. The seniority of DEE of direct recruit batch was prepared as if it is a state cadre. The inter-se seniority of DR DEEs of 1993 batch was communicated vide GO Ms No.22 dt 06-03-1999 and as such the inter-se seniority of DEEs was already settled and cannot be disturbed. The integrated seniority of DEEs issued vide GO Ms No.20 dated 20-02-2019 is not in order and is against Presidential Order 1975. After allotment of a DEE to Zone, zone of consideration shall be considered for promotion to next cadre. Hence, she has requested to fix the inter-se seniority of DEEs as zonal post and do justice.**
		Reply: This objection is on fixation of inter-se seniority of Direct Recruit DEEs of 1993 batch which was already finalized and communicated vide GO MS No.20 dated 20-02-2019. Even though an OA No.1292/2016 was filed with similar contentions, as those of above, the said OA was dismissed by Hon'ble AP Administrative Tribunal in its Judgment dated 13-10-2017. **In view of the above, this objection, at this juncture, is not tenable and since this objection is not on provisional seniority list of EEs now communicated, it is ignored.**
13	**G.Srinivasulu, I/c CE dated 02-06-2023**	**1) As per presidential order, DEE is a zonal post. He was a direct recruit DEE of 1993 batch. Inter seniority of Zone-IV of DR DEEs was communicated vide GO Ms no.22 dated 06-03-1999. As per this GO, he was senior to Sri MVR Vivekananda Reddy and Sri L.Sreenivasa Reddy. The DEE seniority list vide above GO was already settled and it cannot be changed.2) But in the annexure to the circular memo dated 17-05-2023, his name was shown below MVR Vivekananda Reddy and L.Sreenivasa Reddy which is wrong. Zonal seniority list and integrated seniority lists communicated vice proceedings No.960/Ser-I(3)/2011, dated 04-08-2011 of the E-in-C(Admn & NH) are correct and zonal seniority lists and integrated seniority lists of DEEs communicated vide GO MS No.20 T(R&B)(Ser) Dept, dated 20-02-2019 are wrong. 3) Hence, he has requested to fix the integrated seniority of DEEs as per Proceedings No.960/Ser-I(3)/2011, dated 04-08-2011.**
		Reply: The zonal seniority list of DEEs from the year 01-01-1988 to 2001-02 as well as integrated seniority list of DEEs for the same period was prepared and finalized vide Circular Memo No.3939/Ser-I(3)/2015 dated 11-02-2016. OA No.1522/2016 was filed by Sri G.Srinivasulu. But, subsequently the said OA was dismissed by Hon'ble APAT. Hence, all the contentions already raised by the above Engineer, as reiterated above, were deemed to have been set aside by Hon'ble Court. Subsequently, the above Engineer has filed WP No.10064 of 202 in Hon'ble High Court, which is still pending for adjudication. **In view of the above, since the above objections is on fixation of inter-se seniority of DR DEEs of 1993 batch in the panel year of 1993-94 and not on the seniority of EEs, now communicated. Hence, ignored.**
14	**K.Ranga Rao, EE Rtd dt 03-06-2023**	**1) His name is K.Ranga Rao, but his name was mentioned in the provisional seniority list as G.Ranga Rao. Hence, he has requested to rectify the same.**
		Reply: On verification, it is found that the surname of Sri Ranga Rao was, by mistake, noted as "G" instead of "K", as requested by the individual. **As such, correction is made accordingly.**

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT